

City of Biddeford
City Council
July 18, 2023 6:00 PM Council Chambers & Zoom

1. Roll Call

Chairman Belanger
Councilor Lessard
Councilor Ortiz
Councilor Emhiser – absent excused.
Councilor Whiting
Councilor Grohman
Councilor Mills
Councilor Schlaver - absent
Councilor LaFountain

2. Pledge of Allegiance

3. Adjustment(s) to Agenda

Delete item 2023.81

4. Recognition:

4.a. Swearing in of Fire Department Captain Kiesman

5. Appointments:

5.a. 2023.81) Appointment Jake Pierson to Planning Board
Jake Pierson-Planning Board Appointment-ORDER
Jake Pierson -Planning Board Application

Item was deleted

5.b. 2023.82) Confirmation of the City Manager's Nomination of JoAnne Fisk for Chief of Police
2023.82) Nomination of JoAnne Fisk as Chief of Police
Fisk.2023.new
Motion: Councilor Belanger
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

6. Proclamation:

6.a. July is Biddeford Parks and Recreation Month

Parks and Recreation Month July 2023-PROCLAMATION
Mayor Casavant read the Proclamation

After the proclamation Mayor Casavant presented a plaque with a key to the City to Carl Walsh, Recreation Director in honor of his 27 years of service to the City and his upcoming retirement.

7. Public Hearing - 2023.68) Amend/Code of Ordinances, Chapter 10, Animals, Article II, DOGS, Sec. 10-13. Running at large on public ways prohibited: restraint required. Requiring Dogs to be on leash in Clifford Park

7.a. Public Hearing: Dogs Off Leash at Clifford Park
2023.68) Clifford Park Dogs Off Leash

Public Hearing began at 6:17 pm

There were 6 comments against the Ordinance. Several citizens asked for more time for the Recreation Commission and Conservation Commission to work on a compromise and solutions. Several citizens gave examples of their positive experiences in the park. Others mentioned the question of enforcement.

There was 1 citizen who spoke in favor of passing the Ordinance because of the impact on wildlife.

Another person spoke about leash restrictions that work in other areas.

Public Hearing closed at 6:31 pm

8. Public Addressing the Council...(3 minute limit per speaker for up to a total of 15 minutes)

One citizen asked if the City was working on plans regarding LD2003, they are.

A citizen was glad to see May Street issues addressed in the Capital Improvements budget.

A citizen mentioned the traffic studies happening on Granite Street and complimented the Council for their discussion of Complete Streets at the June 13th Workshop.

A citizen brought up issues about climate change.

9. Consideration of Minutes:

9.a. Consideration of Minutes for June 20, 2023
City Council 6-20-23 minutes

Motion: Councilor Belanger

Second: Councilor Mills

Vote: Unanimous in favor.

10. Orders of the Day:

10.a. 2023.68) Amend/Code of Ordinances, Chapter 10, Animals, Article II, DOGS, Sec. 10-13. Running at large on public ways prohibited: restraint required. Requiring Dogs to be on leash in Clifford Park
2023.68) Clifford Park Dogs Off Leash
Agenda Brief City Council 7-18-2023 Dogs off Leash Clifford Park
Chapter 10 Animals Sec 10-31- Chapter 46 Parks Sec 46-13

State and National Park Policies on Dogs 2023
Clifford Park Online Input Summary.pdf
Facebook Post-email Dogs in Clifford Park

Motion: Councilor Lessard
Second: Councilor Whiting

Councilor Belanger – this came before Policy and now Council twice. Would like more information from the Recreation and Conservation Commissions. Will hold a motion to table to allow further discussion.

Councilor Lessard – has previously shared experiences with dog attacks and gave more examples. Council should pass this ordinance for immediate safety and then send to the Commissions for further development.

Councilor Whiting – would like additional information including: peak usage days and times; most popular trails; current signage, and staff recommendations.

Councilor Mills – is not convinced that the ordinance is needed.

Councilor Otiz – sees both sides for dog owners, also need to consider the impact on wildlife. Would prefer to look for a compromise. Asked a question about liability.

City Attorney – the City is not liable, the dog owner would be liable.

Councilor Whiting – clarified the request for data is to look for a compromise.

Councilor Belanger – motion to table the discussion until the Recreation and Conservation Commissions can either make a joint recommendation or state that a joint recommendation was not possible.

Second – Councilor Grohman.

Councilor Lessard - Point of Order – can the Chair please clarify the motion to table with a deadline to come back to Council..

A member of the Recreation Commission said their next meeting would be in September and they would be able to meet with the Conservation Commission in October and should be able to resolve it in one meeting.

Council Belanger – amended his motion to table for the Commissions to bring it back to Council by the second meeting in November or the Council will take it up again on their own.

Second – Councilor Whiting

Vote: 5 yeas - Councilors Belanger, Whiting, Grohman, Mills and LaFountain.
2 nays – Councilors Lessard and Ortiz.

Motion to Table passed.

- 10.b 2023.83) Approval/Clifford Park Rules Extended to conveyed property additions
Council Order Clifford Park Rules 2023
Agenda Brief City Council 7-18-23 Clifford Park Rules
Chapter 46 Sec 46.5 City parks, beaches and athletic fields-facility list
Map Title-provided by Assessors Office
Property Record Cards -2

Motion: Councilor Belanger

Second: Councilor Grohman

Councilor Belanger – the intent of the previous land swap was to expand the park, should stick to that.

Councilor Grohman – the City expanded the park by over 100 acres, should cover that with the same rules for usage. Can look at different uses for the park in the future.

Councilor LaFountain – the Policy Committee recommended this unanimously to bring to Council. Should look at conservation plans in the future.

Councilor Grohman – there will be funds for Clifford Park, would be great to use them to develop a master plan for the park.

Vote: Unanimous in favor.

Motion passed.

- 10.c. 2023.84) Approval/Adoption of Back Lot Ordinance
Back Lot Ordinance Council Order 7-18-23
Back Lot Ordinance Council Transmittal Letter 7-18-23
2023.24 Back Lot City Council ADOPTION memo 7-18-23
Back Lot Ordinance Planning Board Final to CC 7-18-23

Motion: Councilor Belanger

Second: Councilor Mills

Public Comments:

An experienced backlot developer gave 3 suggestions – should be allowed in RF zone; explain the section stating lots to not be subdivided further; look at the paving requirements.

A resident trying to build with existing codes stated that this would make the project much more cost effective. Requested that the second reading be waived.

Councilor Lessard – motion to amend the ordinance to allow backlots in the RF zone.

Second: Councilor Mills

City Planner Galbraith explained some of the decisions by the Planning Board and staff on excluding the RF zone and the places where they added flexibility.

Councilor Grohman – good work, this has been discussed for a long time. From previous discussions it sounds like this will allow 70-100 new homes. It is a good idea to have more density and not use the middle of fields. Supports the amendment and the ordinance.

Councilor Lessard – this could create 25-30 backlots, the majority would be family development. It is not going to create thousands of new houses.

Councilor Belanger – The Council has a new Comprehensive Plan as well as Planning Board and staff recommendations to guide them. Does not support this amendment.

Councilor Lessard – it was discussed that the Comp Plan was a living document.

Councilor LaFountain – sees both sides, this might send us down a path of more density in the RF zone. Would like to wait and see how the original ordinance goes and then can create a tailored ordinance if needed.

Councilor Ortiz – the Comp Plan was just approved and this would be a new ordinance. Would prefer to stay with the plan.

Vote on the Amendment:

3 yeas – Councilors Lessard, Mills and Grohman

4 nays – Councilors Belanger, Ortiz, Whiting and LaFountain.

Amendment fails.

Councilor Lessard - motion to amend the ordinance to strike #7 (from the Attachment 1) “the backlot is at least as wide at the site of the proposed dwelling as the frontage measurement required in the district.”

Second: Councilor Mills

Councilor Lessard – gave an example of a pie wedge shaped lot

Councilor Belanger – supports the amendment and Council will still have input at the second reading.

Vote on the amendment: Unanimous in favor.

Amendment passed.

Councilor Belanger had questions on 8.a Is 25 feet enough access for utilities? 14. D. Does the backlot driveway need to be paved if the front lot isn't? E.2. The language on same owner requirements needs to be clarified.

Councilor Belanger - Motion to amend 14.d. to add “if the existing lot is already paved”

Second: Councilor Grohman

Vote on the amendment: Unanimous in favor.
Amendment passed.

Councilor Mills asked about the emergency 2nd reading process.

City Attorney – it would require a 2/3 vote and a declaration of an emergency by the Council.

Vote on the Ordinance as amended: Unanimous in favor.
Motion passed.

- 10.d 2023.85) Approval/Lead Hazard Reduction/Housing Rehab Professional Services Contract Award
LEAD AND HOUSING REHAB PROFESSIONAL SERVICES COUNCIL
ORDER 7-18-2023
LEAD AND HOUSING REHAB PROFESSIONAL SERVICES MEMO 7-18-23
LEAD HAZARD REDUCTION AND REHAB PROF SERVICES BID PACKET

Motion: Councilor Belanger
Second: Councilor Lessard

Councilor Ortiz asked City HUD Director Gail Wilkerson to give an overview.

Director Wilkerson – The first part of this will inspect 20 units and has an option for 3 years. We anticipate that our in-house staff will gain enough experience in this process to get licensed and migrate some or all of these duties to them.

Vote: Unanimous in Favor.
Motion passed.

- 10.e. 2023.86) Approval/MMBB - Maine Municipal Bank Bond approval
2023.86 Approval - MMBB Maine Municipal Bond Bank approval
2023.86 MMBB Council Brief

Motion: Councilor Mills
Second: Councilor Lessard
Vote: Unanimous in favor.
Motion passed.

- 10.f. 2023.87) Approval of Capital Committee’s recommendation for FY24 CIP
10.f. 2023.87 Approval - Capital Committee's Recommendation for FY24 CIP

10.f. Capital Committee Brief
10.f. - Funding Requests through Capital Committee

Motion: Councilor Mills
Second: Councilor Lessard

Councilor LaFountain – appreciates the work. Thought that there were additional funds for May Street. Question about original request for the Recreation Department. Would like to make sure each item on the list has plans ready.

City Manager James Bennett – the additional funds for May Street will be discussed at the August 15th meeting. The Recreation Department request was covered in a different way. Each project over \$30,000 will come back to the Council for approval.

Councilor LaFountain – motion to amend the order to remove \$100,000 from the City Hall Parking line item and add \$20,000 each to Capital Paving Program, Sidewalks, Bicycle Racks, Public Art Seed funding and the Biddeford Ice Arena.

Second: Councilor Whiting.

Councilor Lessard – agrees with removing it but not the redistribution. Asked if it was voted down could it be amended with a different distribution? Yes it can.

Councilor Belanger – would support removing it and sending it back to the committee to distribute.

Vote on the amendment:
3 yeas – Councilors Grohman, Whiting, and LaFountain
4 nays – Councilors Lessard, Ortiz, Belanger and Mills
Amendment failed.

Councilor Lessard – motion to remove \$100,000 from City Hall Parking line item and send it back to the Capital Projects Committee for recommendations to redistribute the funds.

Second: Councilor Mills

Vote on the Amendment: Unanimous in favor.
Amendment passed.

Vote on the Order as amended: Unanimous in favor.
Motion passed.

- 10.g 2023.88) Approval/Heart of Biddeford/ River Jam Fringe Fest Special Event
Application and Sale of Alcoholic Beverages
7-18-2023 RiverJam Special Event-Alcohol Service-ORDER
River Jam Fringe Fest 8-18-2023

Motion: Councilor Mills
Second: Councilor Gorhman

Heart of Biddeford Director Delilah Poupore spoke about the event. This is the ninth year and there haven't been any problems.

Councilor Lessard – motion to amend the order to state: "to have beer/wine sold, served, and consumed"

Second: Councilor Mills

Vote on the amendment: Unanimous in favor.
Vote on the order as amended: Unanimous in favor.
Motion passed.

- 10.h 2023.89) Approval/Snowmobile Club Fund Request
2023.89) Saco Pathfinders Snowmobile Club -ORDER
2023.89) Saco Pathfinders Snowmobile Club-BRIEF
Saco Pathfinders Snowmobile Club Letter to Biddeford for FY23

Motion: Councilor Grohman
Second: Councilor Mills

Councilor Belanger – opposes this process. The budget process is complete.

Councilor Mills – in the future the notification process to these groups can move more rapidly.

Councilor Grohman – asked about the funding source as stated "TBD". What about the snowmobile fees returned to the City from the State?

City Manager Bennett – those fees are already built in to the overall budget and have been allocated. The Council can proceed by overspending the municipal services account by the \$1,600 amount requested or they can take it out of contingency with a 2/3 vote.

Vote: 5 yeas – Councilors Lessard, Ortiz, LaFountain, Mills and Grohman.
2 nays – Councilors Belanger and Whiting.

Motion passed.

11. Committee of the Whole

- 11.a. Discussion: Additional Protections for Renters
Committee of the Whole 7.13.23

- 11.b. Discussion: Ninety Foot Frontage for House Lots

Councilor Belanger - Motion to go into Committee of the Whole at 8:27 pm
Second: Councilor Lessard

Council agreed to discuss 11.b. first.

Council discussed the merits of the change. City Manager Bennett explained two approaches to proceed with the Planning Board. The best path forward is to have staff review and have a specific proposal ready for the August 15th Council meeting including key points from Councilor Lessard that it is not for Shore Land Zone, not for RF zone, everything else the same, the only change is reducing road frontage requirements from 100 feet to 90 feet.

11.a. Renters Protection discussion –

Council heard issues about landlords breaking leases to raise prices. Several options were discussed to protect them. The discussion was very favorable to the topic and many ideas ranged from establishing a support hotline, building on the new State requirements for notice, tenant education and counseling programs, work with the Housing Task Force, look at an analysis of landlord data, and potential ordinances. The proposals need to be fair to both sides. Good to discuss the issue.

Councilor Belanger – motion to extend the Council meeting past 9:00
Second: Councilor Lessard
Vote: 4 yeas – Councilors Lessard, Whiting, Belanger and LaFountain
3 nays - Councilors Ortiz, Mills and Grohman.
Motion passed.

Councilor Belanger – motion to come out of the Committee of the Whole at 9:10 pm
Second: Councilor Mills
Vote: Unanimous in favor.
Motion passed.

12. Public Addressing the Council..(5 minute limit per speaker)
none

13. City Manager Report

City Manager Bennett did not give a report.

14. Other Business

Councilor LaFountain – recently attended a meeting of the Homeless Task Force, great information and got to meet the new consultants. The needs are on track to double this year, groups are worried about winter numbers.

15. Council President Addressing the Council

Nomination papers for the November elections are available starting July 27th in the Clerk's Office.

16. Mayor Addressing the Council

Mayor Casavant did not address the Council

17. Executive Session

17.a. Executive Session 1 MRSA 405 (6) (C) - Economic Development

17.b Executive Session 1 MRSA 405 (6) (A) Personnel Matters

Councilor Belanger motion to go into Executive Session at 9:14 pm

Second: Councilor Lessard

Vote: Unanimous in favor.

Councilor Lessard - motion to come out of Executive Session at 10:09 pm

Second: Councilor Belanger

Vote: Unanimous in favor.

18. Adjourn

Councilor Lessard to adjourn at 10:09

Second: Councilor Belanger

Vote: Unanimous in favor.

Attested by: _____

Robin Patterson, City Clerk

