

**COUNCIL MEETING
JULY 17, 2018**

Mayor Casavant called the meeting to order at 6:00 p.m.

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

Laura Sever was excused.

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

Adjustment to the Agenda:

- Add Order 2018.77) Authorization/Contract w/Becker Structural Engineers for On-call Parking Structure Administrative Review Service

Presentation: Communication Plan Progress Update

Communications Intern, Danica Lamontagne gave the update via a PowerPoint presentation, and gave a general overview of what the 2018 Strategic Communication Plan is.

Consideration of Minutes: June 19, 2018

Motion by Councilor McCurry, seconded by Councilor Foley to accept the minutes as printed.
Vote: Unanimous.

Second Reading:

{For a copy of the Order and first reading, see the Council Meeting Minutes of June 19, 2018}

2018.62) Approval/Moratorium – Downtown Parking Requirements Waivers

Motion by Councilor McCurry, seconded by Councilor Swanton to grant the second reading of the order.

Vote: 5/3; Councilors Belanger, Foley and St. Cyr opposed.

Councilors Swanton, McCurry, Quattrone, Ready and Lessard in favor.

Motion carries.

Orders of the Day:

2018.65 **IN BOARD OF CITY COUNCIL..JULY 17, 2018**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby award a contract with Headworks, Inc. of Houston, Texas, for the purchase of two(2) wash presses for the Wastewater Treatment Plant, in an amount not to exceed \$118,117.00.

NOTE: Funding for this project is in the Wastewater Equipment Purchase, Capital FY18; and the Designated Fund Balance.

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

Vote: Unanimous.

2018.66 **IN BOARD OF CITY COUNCIL.....JULY 17, 2018**

BE IT ORDERED, that the City Manager be authorized to purchase two (2) 2019 Ford Explorer utility police cars as per bid of June 25,2018 (the “Equipment”) from Arundel Ford (the “Vendor”) and may pay the Vendor an amount not to exceed \$61,460.00 (before discounts valued at \$13,000.00) 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 \$61,460.00;
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 \$61,460.00, (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 reviewed this item on July 17, 2018 and voted to recommend it to the City Council for approval. The purchase of this item is included in the FY19 Budget line 21146-60603

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

2018.67 **IN BOARD OF CITY COUNCIL..JULY 17, 2018**
BE IT ORDERED that the City Council does hereby request the Planning Board to conduct a Public Hearing and make recommendations to the City Council regarding proposed amendments to the Zoning Ordinance as outlined below.

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone the area depicted on the attached map from R-2 to MSRD-2.

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

2018.68 **IN BOARD OF CITY COUNCIL..JULY 17, 2018**
BE IT ORDERED that the City Council does hereby request the Planning Board to conduct a Public Hearing and make recommendations to the City Council regarding proposed amendments to the Zoning Ordinance as outlined below.

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone the areas depicted on the attached map from R-1-A and R-3 to R-1-B and the following:

Part III (Land Development Regulations), Article V (Establishment of Zones), Section 2 (General description of zones and allowed uses):

c. Residential Zones

R-1-B: These areas are limited to single-family residential uses similar to the R-1-A Zone. The lot size and setbacks are generally smaller. These areas are served by water and sewer. These districts are best characterized as in-town single-family neighborhoods.

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	R-1-A	<u>R-1-B</u>
Residential uses:			
Accessory dwelling unit* 27	78	P	<u>P</u>
Accessory structure*	2	P 3	<u>P 3</u>

Boarding, rooming house*	10		
Bed-and-breakfast*	9		
Cluster development*	18	C	<u>C</u>
Congregate housing*	19		
Duplex/2-family	24		
Home occupation*	38	C	<u>C</u>
Manufactured housing*			
Mobile home park*			
Multifamily dwelling*	47		
Planned unit developments*	73		
Single-family dwelling 11	2	P	<u>P</u>
	Article VI Section	R-1-A	<u>R-1-B</u>
Commercial uses:			
Adult business	3		
Amusement center*	5		
Art gallery			
Art studio			
Auto body shops			
Automobile graveyard, automobile recycling business, junkyard*	7		
Automobile repair, sales			
Boat building, repair, marine services, sales, boat livery, marina, yacht club			
Building materials retail sales			
Carwash*	14		
Commercial gardening, commercial greenhouse*	17	C	<u>C</u>
Commercial recreation*	18		
Commercial school*	53		
Drugstore/medical supply			
Financial institution			
Firewood processing*	33		
Fisheries processing, storage*	34		
Funeral parlor			
Gasoline service station*	36		
Hotel/motel*	40		
Indoor theater			
Kennel, veterinary hospital*	42		
	Article VI Section	R-1-A	<u>R-1-B</u>
Medical marijuana dispensaries			
Medical marijuana growing facilities			
Neighborhood convenience store		C 4	<u>C 4</u>
Off-street loading and parking lot and facilities, commercial parking garage	49		

Offices, business and professional*	52		
Planned unit developments*	73		
Publishing, printing			
Restaurant*	56		
Retail store			
Sawmill*	33		
Services			
Shopping center			
Telecommunications facilities	71		
Wholesale business			
Industrial uses:			
Air transportation related use			
Air transportation dependent use*			
Airport	4		
Bulk oil terminal*	41		
Contractor's storage yard			
Demolition disposal*	23		
Experimental research and testing laboratory	29		
Light manufacturing*	41		
	Article VI Section	R-1-A	<u>R-1-B</u>
Light trucking dependent industry*	41		
Manufacturing*	41		
Planned unit developments*	73		
Resource recovery facility			
Recycling facilities	76		
Redemption centers			
Storage of bulk gaseous fuels*	41		
Transportation facilities			
Trucking, distribution terminal*			
Warehousing and storage*	60		
Self-storage facilities*	60		
Educational, institutional public uses:			
Addiction treatment facility 22			
Church, synagogue*		C	<u>C</u>
Civic, convention centers			
Community centers, clubs			
Day care center, adult	22	C	<u>C</u>
Day care home, adult	22	C	<u>C</u>
Day care home, children's	22	C	<u>C</u>
Day care center, children's	22	C	<u>C</u>
Essential services	27	C	<u>C</u>
Fire, police station			
Group homes, hospice	19	C	<u>C</u>
Hospital*	39		

Municipal use	47.1	C	<u>C</u>
	Article VI Section	R-1-A	<u>R-1-B</u>
Museum, library			
Nursing home*	39		
Public and private schools*	53	C	<u>C</u>
Public facility		C	<u>C</u>
Rehabilitation facility			
University/college*			
University uses*			
Outdoor, resource-based uses:			
Agriculture*	3, 31		
Agricultural products processing and storage*	3, 31		
Animal breeding or care	42		
Campground*	13		
Cemetery	14.1	C	<u>C</u>
Extractive industry*	30		
Farm stands* 13	31		
Timber harvesting	64		
Golf course excluding miniature golf		P	<u>P</u>
Parks and recreation*		P	<u>P</u>

Part III (Land Development Regulations), Article V (Establishment of Zones), Table B (Dimensional Requirements):

Zonin g Distri ct	Minimum Lot Size, Square Feet Per Unit A				Frontage			Minimum Setback, Feet**				Maximum Heights+	
	Wat er and Sewe r	Wate r, No Sewe r	Sewe r, No Wate r	Neith er Wate r Nor Sewe r	Wat er and Sewe r	Wat er or Sewe r	Neith er Wate r Nor Sewe r	From Majo r R.O. W.	From Othe r R.O. W	Sid e	Rea r	Stori es	Fe et
R-1- A, single - famil y	10,000	20,000	10,000	20,000	100	100	100	40	25	10	10	3	35
<u>R-1- B, single - famil y</u>	<u>5,000</u>	<u>20,000</u>	<u>5,000</u>	<u>20,000</u>	<u>50</u>	<u>50</u>	<u>50</u>	<u>25</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>3</u>	<u>35</u>

Part III (Land Development Regulations), Article VI (Performance Standards), Section 59 (Signs), C (District regulations):

1. In the Suburban Residential, R-1-A, R-1-B, C-R, W-1, and W-3 Districts, only the following signs shall be permitted:

Part III (Land Development Regulations), Article VI (Performance Standards), Section 71 (Telecommunications facilities), E (Zoning districts/performance standards/dimensional requirements):

1. In the LRF and I-3 Districts telecommunications facilities shall be allowed as a conditional use conforming to the performance standards and dimensional requirements noted below.

In addition, the shared use of preexisting accessory-use towers and alternative tower structures is permitted in the Medical Zones (M), — 125 feet, Business Zones (B-1, B-2), and Industrial Zones (I-1, I-2, I-4) — 250 feet. Maximum height is measured from top of the tower or attached apparatus to the bottom of the tower or other structure on which the tower is mounted. The tower or structure height is not increased beyond the following limits:
Suburban Residential Zones (SR), Residential Zones (R-1-A, R-1-B, R-2, R-3), Coastal Residential Zone, Institutional Zone (IN), Rural Farm (RF): communication towers are prohibited.

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

2018.69 **IN BOARD OF CITY COUNCIL.....JULY 17, 2018**
BE IT ORDERED, that the City Manager be authorized to sign a unit cost contract with J Pratt Inc. of Hebron, Maine for the construction of the Lincoln Street Reconstruction Project Phase II as per the bids opened on June 29, 2018, in the bid amount of \$1,394,171.00, funding for this work to be provided in part from the MDOT BPI grant received by the City with the required City match amount from City TIF account and additional funding from the PACTS MPI grant with the required City match.

NOTE: The Finance Committee will review this item at their July 17, 2018 meeting.
The Capital Projects Committee has been provided a copy of the Project Information for their review.

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

2018.70 **IN BOARD OF CITY COUNCIL..... JULY 17, 2018**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the Main Street Sidewalk Improvement Project Phase II Design. The project will include reconstruction of the sidewalks, crosswalks, resetting of curbing, installation of cobblestones, lighting and saving/removal/replanting of certain in-ground trees as conditions may dictate.

Motion by Councilor McCurry, seconded by Councilor Swanton to grant the order.
Vote: 5/3; Councilors Lessard, Belanger and Foley opposed.
Councilors Swanton, McCurry, St. Cyr, Quattrone and Ready in favor.
Motion carries.

2018.71 **BOARD OF CITY COUNCIL.....JULY 17, 2018**
BE IT ORDERED, that the Biddeford City Council does hereby grant approval pursuant with Title 15 M.R.S.A. §5824(3) & §5822(4)(A) to the transfer of \$20,872.00 in U.S. Currency, or any portion thereof, and \$8,358.00 in currency, or any portion thereof (\$3,946.05) on the grounds that the City of Biddeford Police Department did make a substantial contribution to the investigation of this or related criminal case.CR-18-91. These funds shall be transferred to the City of Biddeford, Asset Forfeiture Account 31119-40576

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

2018.72 **IN BOARD OF CITY COUNCIL.. JULY 17, 2018**
BE IT ORDERED, that said Property Tax Commitment shall be payable in two equal installments on October 10, 2018 and April 10, 2019 with any odd amount to be due on the first installment, and that interest shall be collected at the rate of 8.00% per annum on any taxes remaining unpaid after each respective installment date. A taxpayer that pays an amount in excess of that finally assessed shall be repaid the amount of overpayment plus interest from the date of overpayment at the annual rate of 4.00%.

BE IT FURTHER ORDERED, that the Tax Collector by authorized to accept voluntary prepayments on property taxes and to pay interest on these voluntary prepayments at the rate of 0% per annum.

Motion by Councilor Belanger, seconded by Councilor Swanton to grant the order.
Vote: Unanimous.

2018.73 **IN BOARD OF CITY COUNCIL...JULY 17, 2018**
ORDERED, that the City Council of the City of Biddeford does hereby confirm the City Manager's appointment of:

Nicholas Desjardins

as the City Assessor.

Motion by Councilor McCurry, seconded by Councilor Swanton to confirm the appointment.
Vote: Unanimous.

2018.74 **IN BOARD OF CITY COUNCIL...JULY 17, 2018**
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 Biddeford Saco Chamber of Commerce to serve liquor at their Membership Cookout on August 23, 2018 at Mechanics Park, providing that the said Biddeford Saco Chamber of Commerce is and remains in compliance with the provisions set forth under Ch. 6, Section 6-178 et seq.

Motion by Councilor Swanton, seconded by Councilor Foley to grant the order.
Vote: 6/2; Councilors Lessard and Ready opposed.
Councilors Swanton, McCurry, St. Cyr, Quattrone, Foley and Belanger in favor.
Motion carries.

2018.75 **IN BOARD OF CITY COUNCIL...JULY 17, 2018**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article I, In General, **New Section 42-8-Parking Authority**, to read as follows:

The City Council may establish rules, regulations and/or other restrictions for parking; or the City Council may delegate authority by Council Order. Any rules, regulations and/or other restrictions so promulgated shall have the full force and effect of an ordinance, except that the delegated authority is limited to the following:

- 1) Creation, elimination or relocation of Disability Parking spots under Sec. 42-100.
- 2) Creation, elimination or otherwise amending of Limited Parking under Sections 42-56, 42-60, 42-90, 42-91, 42-92, 42-92.1, 42-93, 42.94 to include: Timed Parking; Loading Zones, Drop Off Zones, Taxi or Bus Parking, etc.
- 3) Creation, elimination or otherwise amending Limited Parking zones within the municipal surface parking lots identified under Section 42-62, e.g., Time Parking and the charging of a fee for its use.

Any changes to the parking regulations identified herein shall require only one vote by the parking authority to become effective.

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

Motion by Councilor Belanger, seconded by Councilor Foley to amend the ordinance by removing all language from the letter (a) on. (This language is not reflected in these minutes)
Vote: 7/1; Councilor Lessard opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Foley, Belanger and Ready in favor.
Motion carries.

Vote on ordinance, as amended: 7/1; Councilor Swanton opposed.
Councilors McCurry, St. Cyr, Quattrone, Foley, Belanger, Ready and Lessard in favor.
Motion carries.

2018.76 **IN BOARD OF CITY COUNCIL...JULY 17, 2018**
BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III, Parking, Stopping and Standing, **Section 42-62-Identification and use of municipal parking lots**, to add the following:

The City Council has the authority to regulate the use of all municipal parking lots and may establish and implement parking fees, permits and rates for the use thereof.

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

Vote: 5/3; Councilors Swanton, Lessard and Quattrone opposed.
Councilors McCurry, St. Cyr, Foley, Belanger and Ready in favor.
Motion carries.

2018.77 **IN BOARD OF CITY COUNCIL....JULY 17, 2018**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to negotiate and enter into an agreement with Becker Structural Engineers for on-call parking structure administrative review services on a time and materials basis at the established unit rates. The authorization shall not exceed \$50,000 without prior authorization.

Be it further ordered that this expenditure is categorized as an “original expenditure” as defined by the Declaration of Official intent adopted April 4, 2017.

Note: The Declaration of Official Intent authorized the following:

1. The City of Biddeford currently intends to proceed with the following project (the “Project”):

Design, construction, furnishing and equipping of a downtown parking garage expected to be located in or near the City’s Mill Redevelopment TIF District.
2. The City intends to finance some or all of the costs of the Project through issuance of the City’s tax-exempt bonds.
3. The City reasonably expects that the maximum principal amount of bonds to be issued for the Project, including for reimbursement purposes, is an amount not to exceed \$14,000,000.
4. The City expects to pay certain costs of the Project, prior to the issuance of such bonds (the “original expenditures”) and the City Manager is hereby authorized to advance money from the General Fund or from the City’s TIF Fund(s) for payment of original expenditures of the Project.
5. The City expects to use bond proceeds to reimburse itself for such original expenditures.
6. This is a declaration of official intent pursuant to the requirements of Treasury Regulation §1.150-2.
7. This declaration is in accordance with the City’s Declaration of Official Intent adopted April 4, 2017.

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

Motion by Councilor Lessard, seconded by Councilor McCurry to amend the order by striking the word “construction” in #1.

Vote on amendment: 2/6; Councilors Lessard and Quattrone in favor.

Councilors Swanton, McCurry, St. Cyr, Foley, Belanger and Ready opposed.
Amendment fails.

Vote on order: Unanimous.

Appointments:

MMA Legislative Policy Committee:

Motion by Councilor McCurry, seconded by Councilor Foley to nominate Laurie Smith, Town Manager of Kennebunkport, to the MMA Legislative Policy Committee.

Vote: Unanimous.

Social Service Committee:

IN BOARD OF CITY COUNCIL..JULY 17, 2018

ORDERED, that I, Alan Casavant, Mayor of the City of Biddeford, do hereby appoint the following City Councilors to the **Social Services Committee:**

**Michael Ready
Norman Belanger
Robert Quattrone, Jr.**

Motion by Councilor Swanton, seconded by Councilor McCurry to confirm the appointments.
Vote: Unanimous.

Charles Drapeau...Solid Waste Management Commission

IN BOARD OF CITY COUNCIL...JULY 17, 2018

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Charles Drapeau
8 Cherryfield Avenue
Ward 3**

to the *Solid Waste Management Commission*, replacing Martin Grohman, for a term to expire in December 2018

Motion by Councilor McCurry, seconded by Councilor Swanton 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 gave the following report:

- 1) He explained that the original intent of the cobblestone bump outs on Main Street was to slow down traffic.
- 2) He noted that interviews with the four Governor Candidates are available on the MMA website
- 3) Finally, he gave a quick update on the cost-savings of the streetlight conversion

Other Business:

Councilor Ready: expressed his concern about how the City needs to be proceeding with the parking issue for new housing projects in the downtown, and would like to have recommendations brought forward soon so that the issue is not dragged out.

Councilor McCurry: brought up the fact that the Animal Control Officer will no longer be a shared or joint position with Saco; and he asked if the budget could be adjusted to deal with the revenue shortfall this will cause.

He also expressed his concern with the marina expansion proposed, and how it will affect navigation in the Saco River.

Councilor Ready clarified that the joint Animal Control Officer position had been publicly discussed and both Biddeford and Saco had originally fully supported the position. He's actually

surprised to hear about Saco’s change of decision. That said, he is cautious about concluding that the ACO position should be reduced here in Biddeford.

Council President Addressing the Council: Councilor McCurry noted that the track is currently being built and should be ready for the start of the school season.

Mayor Addressing the Council: Mayor Casavant shared that he had been invited and went to Quebec City a couple of weeks ago for a celebration of their City. He is eager to continue to work towards opening up communications between Quebec City and Biddeford, as well as the cultural, historical and culinary tourism between the two Cities.

Executive Session:

- **1 MRSA 405(6)(D)...Labor Contract Negotiations**
- **1 MRSA 405(6)(A)...Employee Evaluation (possible action)**

Motion by Councilor Belanger, seconded by Councilor Foley to move into Executive Session.
Vote: Unanimous. Time: 7:25 p.m.

Motion by Councilor McCurry, seconded by Councilor Foley to move out of Executive Session.
Vote: Unanimous. Time: 8:31 p.m.

City Manager Contract:

Motion by Councilor McCurry, seconded by Councilor Belanger to extend the City Manager’s contract one year, with a \$1,000 bonus and a 3% wage increase.
Vote: Unanimous.

Motion by Councilor Swanton, seconded by Councilor McCurry to adjourn.
Vote: Unanimous. Time: 8:32 p.m.

Attest by: _____
Carmen J. Morris, City Clerk