

**COUNCIL MEETING
JUNE 5, 2018**

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

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

Stephen St. Cyr was excused.

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

Adjustments to the Agenda:

- Add Executive Session: 1MRSA 405(6)(E)...Pending Litigation
- Remove Order 2018.49

*Public Hearing: **Liquor License Application – City Theater Associates, Inc.***

The Chair opened the public hearing at 6:01 p.m.

One citizen expressed his concerns about the issuance of the liquor license.

The public hearing was closed at 6:05 p.m.

*Consideration of Liquor License Application: **City Theater Associates, Inc.***

Motion by Councilor McCurry, seconded by Councilor Ready to recommend the issuance of a liquor license to City Theater Associates, Inc.

Vote: 7/1; Councilor Lessard opposed.

Councilors Swanton, McCurry, Quattrone, Foley, Belanger, Ready and Seaver in favor.

Motion carries.

*Special Event Application: **LaKermesse Franco-Americaine Festival***

Motion by Councilor McCurry, seconded by Councilor Foley to grant the issuance of the Special Event Permit for LaKermesse Franco-Americaine Festival.

Motion by Councilor McCurry, seconded by Councilor Quattrone to specify that LaKermesse will be given a one-year trial to set up the Festival on a portion of St. Louis Field (as proposed by LaKermesse).

Vote: Unanimous.

Vote on the issuance of the Special Event Permit, as amended: Unanimous.

*Proclamation: **10th Anniversary of Seeds of Hope***

Mayor Casavant read the Proclamation, which was then presented to the Director of Seeds of Hope, Shirley Bowen.

Consideration of Minutes: **May 15, 2018; May 22, 2018**

Motion by Councilor McCurry, seconded by Councilor Ready to accept the minutes of May 15, 2018, as they will be amended.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Lessard to accept the minutes of May 22, 2018, as printed.

Vote: Unanimous.

Second Readings:

{For a copy of the ordinance amendment and first reading, see the council meeting minutes of May 15, 2018}

2018.44) Amendment/Land Development Regulations/Art. XIV-Shoreland Zoning and Art. V-Establishment of Zones, Table of Land Uses/UNE Shoreland Zoning Modifications

Motion by Councilor Ready, seconded by Councilor Belanger to grant the second reading of the ordinance amendment.

Vote: 6/2; Councilors Lessard and Quattrone opposed.

Councilors Swanton, McCurry, Foley, Belanger, Ready and Seaver in favor. Motion carries.

2018.45) Amendment/Ch. 2, Administration/Article V-Finance/Division 5. Unrestricted Fund Balance Policy

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

Vote: Unanimous.

Orders of the Day:

2018.47 **IN BOARD OF CITY COUNCIL...JUNE 5, 2018**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby award a contract for the Pavement Marking Program to Poirier Guidelines for an amount not to exceed \$42,403.47.

NOTE: The Finance Committee will review this item at their June 5, 2018 meeting.

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

Vote: Unanimous.

2018.48 **IN BOARD OF CITY COUNCIL....JUNE 5, 2018**

BE IT ORDERED, that the City Manager be authorized to sign a unit cost contract with Pratt and Sons, Inc. of Mechanic Falls, Maine for the construction of the South Street Sewer Separation Project as per the bid submitted and opened on May 22, 2018, in the amount of \$ 2,336,325. Funding for this work is from the Sewer Separation Bonds approved by voters and as provided for in Fund 402, Fund 411 and Fund 414 account Code number 31153.

NOTE: The Finance Committee will review this item at their June 5, 2018 meeting.

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

Vote: Unanimous.

2018.50 **IN BOARD OF CITY COUNCIL...JUNE 5, 2018**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the following transfer of funds:

- \$89,229.02 from Route 111-Mill Redevelopment TIF Project to the Economic Development Corporation to replace funds in the CDBG Micro-loan Enterprise Program
- Accept \$89,229.02 from Economic Development Corporation to replenish the CDBG fund and use those funds to implement the façade improvement program.

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

Motion by Councilor Ready, seconded by Councilor McCurry to amend the Program so that the Capital Projects Committee receives and approves the applications rather than the Downtown Development Commission.

Vote: Unanimous.

Vote on order, as amended: 7/1; Councilor Quattrone opposed.

Councilors Swanton, McCurry, Foley, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2018.51 **IN BOARD OF CITY COUNCIL....JUNE 5, 2018**

BE IT ORDERED, that the City Council of the City of Biddeford does hereby abate \$3,671.77 in taxes, interest and penalties on property located at 16 Lind Avenue, as requested by owner, George Wormwood:

<u>Years</u>	<u>Original Tax</u>	<u>Amount</u>	<u>Ownership</u>
2004-2010	\$2,321.03	\$3,964.46	Laura Woods (George said she passed away)
2011-2013	\$1,075.76	\$1,484.17	Matthew & Kathline Wood
2014	\$ 404.38	\$ 512.64	John Evans
2015-2016	\$ 429.83	\$ 480.75	Charter Oaks Name
2017-2018	<u>\$ 219.02</u>	<u>\$ 229.75</u>	George Wormwood
	\$4,450.02	\$6,671.77	

NOTE: The Finance Committee will review this item at their June 5th meeting.

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

Vote: Unanimous.

2018.52 **IN BOARD OF CITY COUNCIL...JUNE 5, 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 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.

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

2018.53 **IN BOARD OF CITY COUNCIL...JUNE 5, 2018**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby renew the Agreement for the operation of a shared Assessing Department with the City of Saco.

NOTE: The Agreement is attached.

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

2018.54 **IN BOARD OF CITY COUNCIL...JUNE 5, 2018**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby enter into an Interlocal Cooperation Agreement for a Biddeford-Saco Animal Control Officer.

NOTE: The Agreement is attached.

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

Motion by Councilor Ready, seconded by Councilor McCurry to amend Section 5 of the Agreement so that the Term of the Agreement is for six months; and will be re-visited after the initial six months.
Vote: 7/1; Councilor McCurry opposed.
Councilors Swanton, Quattrone, Foley, Belanger, Ready, Seaver and Lessard in favor.
Amendment carries.

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

2018.55 **IN BOARD OF CITY COUNCIL...JUNE 5, 2018**
BE IT ORDERED, that the City Council of the City of Biddeford does hereby enter into a Joint Agreement with the City of Saco for the continued funding for the Biddeford-Saco Opiate Outreach Initiative.

NOTE: The Agreement is attached.

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the order.
Vote: 7/1; Councilor Swanton opposed.
Councilors McCurry, Quattrone, Foley, Belanger, Ready, Seaver and Lessard in favor.
Motion carries.

2018.56

IN BOARD OF CITY COUNCIL..JUNE 5, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby endorse **Question 3** on the Municipal School Budget Validation Referendum Election Ballot:

Do you favor the formation of a regional service center pursuant to an Interlocal Agreement to Establish the Southern Maine Administrative Collaborative Regional Service Center (Biddeford and Dayton), as approved by the governing bodies of the parties thereto and the Commissioner of the Department of Education?

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the endorsement.
Vote: Unanimous.

2018.57

IN BOARD OF CITY COUNCIL..JUNE 5, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby endorse **Question 4** on the Municipal School Budget Validation Referendum Election Ballot:

Do you favor the formation of a regional service center pursuant to an Interlocal Agreement to Establish the Southern Maine Regional Service Center (Biddeford, Dayton, MSAD #55, Sanford, MSAD #57, Yarmouth, MSAD #60, RSU #23, RSU #21), as approved by the Commissioner of the Department of Education?

Motion by Councilor McCurry, seconded by Councilor Lessard to grant the endorsement.
Vote: Unanimous.

Public Addressing the Council..(5 minute limit per speaker; 30 minute total time limit):
A couple members of the Conservation Commission expressed their concerns about the UNE Shoreland Zoning modifications that were approved earlier in this meeting.

City Manager Report:

City Manager, James Bennett had the following notes:

- A copy of the modified parking management plan has been distributed to the Council and posted on the City's website. A Workshop to discuss the plan has been scheduled for Tuesday, June 12th.
- The Opiate Outreach Program was first started using grant funds; but is now 100% funded by the City. He offered some statistics that support the success and continued funding of this program. He commended the Council for their part in approving the funding for the Opiate Outreach Coordinator position.
- The preliminary report of the Police Department CALEA has been released and is quite impressive. All standards that were reviewed during the CALEA process have been found to be impeccably operational and no changes have been suggested.
- Biddeford is seeing the smallest tax increase of any comparable community; and at the same time has managed to increase the fund balance and contingency account. Once again, he commended the Council for their due diligence in delivering a fiscally sound budget.

Other Business:

Councilor Lessard: made the following comments:

- He echoed the City Manager's comments about the approved budget and he is generally pleased with how the process went. He noted that the York County Budget Committee has also done a good job in coming in with a reasonable proposed budget for FY19.
- He would like to find a way to have the Recycling Center open on Sundays during the months of July through October.
- He is looking forward to seeing what is planned for plantings at the intersection of Main, Hill and Water Streets.
- He suggested that the Council have a Special Council Meeting to discuss and approve plans for renovations/upgrades to City Hall.

Councilor Ready: first wanted to ensure that tonight's vote on the second reading of the UNE Shoreland Zoning modifications was actually on the final language as it was amended at the May 15th Council Meeting. City Clerk, Carmen Morris assured the Council that the language that was considered and voted on earlier in the meeting was correct.

Councilor Ready noted that at a meeting tomorrow evening (June 6th), the Planning Board will be considering a housing project at 5 Washington Street, which includes the waiver of parking requirements. Due to parking issues in the downtown, he is concerned with such a waiver and would like to see this matter brought before the Council at the June 19th Council Meeting; with Councilor McCurry in support of this request.

Councilor Belanger: offered clarification that the ordinance amendment and minutes that were considered and approved earlier at this meeting regarding the UNE Shoreland Zoning modifications are correct and do reflect the amendment he made at the May 15th Council Meeting.

Council President Addressing the Council: Councilor McCurry announced that he Adult Education Graduation is Wednesday, June 6th; and the High School Graduation will be Friday, June 8th.

Mayor Addressing the Council: Mayor Casavant noted that fundraising for City Theater and City Hall renovations will soon be underway, with three specific areas being concentrated on: (1) Applying for grants; (2) setting up the capital campaign; and (3) the allocation of funds from the City. The fundraising effort will also look toward folks in our community who are willing to make sizable contributions. The hope is to get the fundraising ramped up this summer.

By way of addressing the parking issue as brought up by Councilor Ready, Mayor Casavant stated that the City wrestles with the dilemma of maximizing store fronts and downtown development, while also being able to provide an adequate amount of parking.

Executive Session:

➤ **1 MRSA 405(6)(D)..Labor Contract Negotiations**

➤ **1 MRSA 405(6)(E)..Pending Litigation/Consultation with City Solicitor**

Motion by Councilor Foley, seconded by Councilor Ready to move into Executive Session.

Vote: 7/1; Councilor McCurry opposed.

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

Motion carries.

Time: 7:22 p.m.

Motion by Councilor Swanton, seconded by Councilor Quattrone to move out of Executive Session.

Vote; Unanimous.

Time: 9:02 p.m.

Motion by Councilor Seaver, seconded by Councilor Quattrone to adjourn.

Vote: Unanimous.

Time: 9:02 p.m.

Attest by: _____
Carmen J. Morris, City Clerk