

COUNCIL MEETING

JUNE 1, 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 6:03 p.m.

Roll Call: William Emhiser, John McCurry, Jr., Stephen St. Cyr, Amy Clearwater, Norman Belanger, Michael Ready, Doris Ortiz, Marc Lessard

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

Adjustment to the Agenda:

➤ *Acceptance of Robert Quattrone, Jr. resignation as Ward 4 Councilor*

Motion by Councilor McCurry, seconded by Councilor Belanger to accept the resignation.

Vote: Unanimous.

Consideration of Minutes: **May 18, 2021; May 24, 2021**

Motion by Councilor McCurry, seconded by Councilor Belanger to accept the Council Meeting minutes of May 18, 2021.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Belanger to accept the Special Council Meeting minutes of May 24, 2021.

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendment and first reading, see the Council Meeting minutes of May 18, 2021}

2021.43) Amendment/Land Development Regulations/Art. V-Establishment of Zones and Art. VI-Performance Standards/Amendments Related to Residential Uses

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

Vote: Unanimous.

Orders of the Day:

2021.46

IN BOARD OF CITY COUNCIL...JUNE 1, 2021

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-59 Snow Emergency Parking Ban; Section 42-62 Identification and use of Municipal Parking Lots**, be amended by adding or deleting to read as follows, and to be effective on July 1, 2021:

Sec. 42-59 Snow emergency parking ban.

The following provisions shall apply during snow emergencies as declared by the Director of Public Works:

(1) When the Director of Public Works deems it necessary to allow for the safe and efficient removal of snow and ice from the public ways within the City, the Director may declare that a snow emergency exists. The Director of Public Works will announce the snow emergency by notifying the local radio and television media, and request that they make periodic announcements of the parking ban. The Director will state in his notice that during the hours of the emergency, parking of motor vehicles is prohibited on any way or municipal parking lot within the jurisdiction of the City, except that the municipal parking lots at the Community Center (Myrtle Street side only), Clifford Park East Biddeford Little League parking lot (on Hill Street), Public Access parking lot (on Pool Street) and Sullivan Street parking lot are open for parking during the period of the emergency at no fee, ~~and the Foss Street Parking Lot, Washington Street Parking Lot, Gas House Parking Lot, and the Water Street Parking Lot are open for parking during the period of the emergency on a pay-per-use permit only basis.~~

[Amended 12-18-2018 by Ord. No. 2018.149]

~~(2) For permit-only lots, a permit may be obtained through self-service kiosks, mobile app when available or through the City Clerk's office. The form of permit to be displayed shall be the license plate referenced on the valid vehicle registration, appropriately recorded during the permitting process, and properly attached to the vehicle. Municipal parking permit holders must comply with all snow emergency parking ban notices and instructions regardless of the nature of the parking permit.~~

[Amended 12-18-2018 by Ord. No. 2018.149]

~~(3)~~ **(2)** A vehicle parked in violation of the declared snow emergency shall be towed at the owner's expense.

~~(4)~~ **(3)** Vehicles parked in the ~~Foss Street and Washington Street~~, Clifford Park, Community Center, ~~Gas House and Water Street~~ municipal parking lots as authorized by this section must be removed prior to 7:00 a.m. on the day of the end of the snow emergency, and these municipal parking lots may not be used until they have been cleared of snow.

Sec. 42-62 Identification and use of municipal parking lots.

The following is a list of the municipal parking lots along with a description of their location and authorized use. For the purposes of this chapter, all municipal parking lots are considered as public ways as defined in M.R.S.A. § 29-A. No vehicle shall remain parked in a municipal public parking lot for more than 48 consecutive hours. A vehicle parked in violation of this section may be towed at the owner's expense.

Alfred Street Parking Lot, ~~also known as the Blue Lot~~, refers to the City municipal parking lot that is adjacent to the ~~39 Alfred Street Police Station~~, and is bordered by Alfred Street, Foss Street, and the property line at 1 Pool Street and further described as Map 38, Lot 404.

[Amended 10-8-2019 by Ord. No. DC2019.14]

Row 1, which is adjacent to, and is parallel to, the police station, is reserved for police parking only. The first two spaces in Row 1 are reserved for, and shall be posted and clearly marked as, handicap parking.

~~The first two spaces in Row 2 are reserved for thirty-minute police business.~~

~~A portion of Rows 2, 3 and 4 shall be reserved for permit parking available for monthly (Monday through Friday) permits, monthly (24/7) permits and monthly (nights and weekend) permits. The remaining spaces shall be available for short term parking on a rolling basis, with the first two hours for any vehicle of any calendar day at no charge.~~

City Hall Parking Lot shall be designated as the ways and parking spaces bordered by City Hall from Adams Street thence southerly along City Hall, thence westerly along the rear of City Hall and City Theater, thence westerly along properties identified as Map 38, Lots 134 and 134-1, thence easterly along property identified as Map 38, Lot 194, thence easterly along South Street to the Civil War Memorial traffic island, thence easterly on the northerly edge of the Civil War Memorial traffic island, thence northerly on the westerly edge of the Civil War Memorial traffic island, thence northerly along Adams Street to City Hall.

- (1) No vehicle shall be parked in the area designated as the City Hall parking lot between the hours of 8:00 a.m. and 5:00 p.m., unless such vehicle displays an official parking pass issued by the City Clerk, and displayed in a manner determined by the Clerk.
- (2) The City Clerk may issue official parking passes to municipal officials and employees.
- (3) Two spaces shall be posted and clearly marked and reserved for disability parking. One of the spaces shall be van accessible.
- (4) The area of the City Hall parking lot that is immediately adjacent to the Civil War Memorial, and is bordered by South Street, shall have one space marked and reserved for the City Clerk; one space marked and reserved for the City Manager; one space marked and reserved for the Mayor; with the remaining parking spaces reserved for use by municipal vehicles only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.
- (5) The area of the City Hall parking lot that is immediately adjacent to the City Hall building, and that is bordered by Adams Street, shall be designated and marked as follows: two spaces reserved for use by municipal vehicles only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, with the remaining spaces as one-hour parking for use by the general public to conduct business at City Hall.
- (6) The three parking stalls in the area of the City Hall parking lot that is closest to the rear entrance to City Hall building, and to City Theater, shall be limited to one-hour parking and reserved for City business only between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday.

Clifford Park Parking Lot is a City public parking lot that is located on Pool Street and is further identified as Map 39, Lot 334, with a physical address of 130 Pool Street.

One space shall be posted and clearly marked as reserved for disability parking.

No vehicle shall remain parked in this parking lot longer than 24 consecutive hours.

Community Center Parking Lots refers to the City public parking lots at the J. Richard Martin Community Center, located at 189 Alfred Street as identified on Map 34, Lot 228, and further described as the parking lot which is adjacent and parallel to the Community Center, and Myrtle Street on the east side; and the parking lot which is adjacent and parallel to the Community Center, and Clark Street on the west side.

Two spaces which shall be posted and clearly marked as handicap parking, located on the Clark Street side, at or near the handicap ramp, which is located at the northwest corner of the Community Center building.

Two spaces which shall be posted and clearly marked as handicap parking, located on the Myrtle Street side, at or near the rear of the Community Center building on the southeast corner.

Two spaces which shall be posted and clearly marked as ten-minute limited parking from 6:00 a.m. to 6:30 p.m., Monday through Friday, for YMCA Daycare, one located on left side of the main entrance to the Daycare 10 feet from the concrete curb and one located on right side of the main entrance to the Daycare.

~~Downtown Parking Lot, also known as the Yellow Lot, refers to the City public parking lot located at 17—21 Franklin Street and further described as Map 38, Lots 389 and 390.~~

~~The lot shall be reserved for hourly permit-only parking with the first two hours for any vehicle of any calendar day at no charge.~~

~~Two spaces which shall be posted and clearly marked as handicap parking.~~

~~Federal Street Parking Lot, also known as the Green Lot, is located on the corner of Franklin Street and Federal Street behind 25—27 Washington Street, and is exclusive of a strip of land located between 5—13 Washington Street and 25—27 Washington Street, and further described as Map 38, Lot 353-1.~~

~~The lot shall be reserved for long term permit-only parking available for monthly (Monday through Friday) permits, monthly (24/7) permits, monthly (nights and weekend) permits, with the remainder available for short term parking on a rolling basis, except that eight spaces located adjacent to 5 Washington Street and further described as Map 38, Lot 352, shall be available as dedicated parking spaces.~~

~~Foss Street Parking Lot, also known as the Purple Lot, refers to the City public parking lot located at the formerly known street address numbers 5, 7, and 15 to 21 Foss Street, and as further described on City Tax Map 39, Lots 80 and 84.~~

~~The lot shall be designated for long term and short term permit-only parking. Long term parking shall include availability for monthly (Monday through Friday) permits, monthly (24/7) permits, and monthly (nights and weekend) permits. The remaining spaces shall be available for short term parking on a rolling basis, with the first two hours for any vehicle of any calendar day at no charge. [Amended 10-8-2019 by Ord. No. DC2019.14]~~

~~No vehicle shall remain parked in this parking lot longer than 24 consecutive hours without a valid permit.~~

~~Franklin Street Parking Lot, also known as the Green Lot, refers to the City public parking lot located in the area of Franklin Street, Washington Street and parallel to Jefferson Street, and further described as Map 38, Lots 354, 355 and 360.~~

~~[Amended 8-27-2019 by Ord. No. DC2019.10]~~

~~The lot shall be designated as permit-only parking available for monthly (Monday through Friday) permits, monthly (24/7) permits and the remainder available for short term and monthly (nights and weekend) permits, with the remainder available for short term parking on a rolling basis, except that the last six spaces beginning at a point approximately 20 feet south-southwesterly from the intersection of the north corner of 42 Franklin Street, and further described as Map 38, Lot 364, and extending approximately 141 feet southerly shall be available as two-hour parking with the remaining spaces available as thirty-minute parking spaces.~~

~~Ten spaces shall be posted and clearly marked as reserved for use by courthouse employees on scheduled court days, Monday through Friday from 7:00 a.m. to 5:00 p.m.~~

~~No vehicle shall remain parked in this parking lot longer than 24 consecutive hours without a valid permit.~~

~~Gas House Parking Lot, also known as the Maroon Lot, is a City public parking lot that is located on Water Street and is situated between Mechanic's Park and the Waste Water Treatment Facility, and further described as Map 41, Lot 16.~~

~~The lot shall be designated as permit-only parking available for monthly (Monday through Friday) permits, monthly (24/7) permits, monthly (nights and weekend) permits, with the remainder available for short term parking on a rolling basis. One space shall be posted and clearly marked as reserved for disability parking.~~

~~No vehicle shall remain parked in this parking lot longer than 24 consecutive hours without a~~

~~valid permit.~~

Lincoln Street Parking Lot, a parcel of land, located at the northeast section of the intersection with Pearl Street, and further described as the former Maine Energy Executive Parking Lot at 3-11 Lincoln Street, having the dimensions of 74 feet ± in width (measured west to east) and 180 feet ± in length (measured south to north) [Added 11-21-2019 by Ord. No. DC2019.16]

~~Washington Street Parking Lot, also known as the Red Lot, refers to the City public parking lot located at 75 Washington Street and is more specifically identified as Map 38, Lot 312.~~

~~The lot shall be designated as permit only parking available for monthly (Monday through Friday) permits, monthly (24/7) permits, monthly (nights and weekend) permits, with the remainder available for short term parking on a rolling basis.~~

~~No vehicle shall remain parked in this parking lot longer than 24 consecutive hours without a valid permit.~~

~~Wastewater Treatment Facility Parking Lot, also known as the Brown Lot, refers to the City public parking lot located at the intersection of Water Street and Pike Street, and is more specifically identified as Map 41, Lot 1.~~

~~The lot shall be designated as permit only parking available for monthly (Monday through Friday) permits, monthly (24/7) permits, monthly (nights and weekend) permits, with the remainder available for short term parking on a rolling basis.~~

~~No vehicle shall remain parked in this parking lot longer than 24 consecutive hours without a valid permit.~~

~~Parking spaces marked and dedicated to short term parking of 30 minutes or less shall be so marked and shall not require a permit within the designated permit only parking lots.~~

~~For permit only lots, a permit may be obtained through self service kiosks, a mobile app when available or through the City Clerk's office. The form of permit to be displayed shall be the license plate referenced on the valid vehicle registration, appropriately recorded during the permitting process, and properly attached to the vehicle.~~

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

Vote: Unanimous.

2021.47

IN BOARD OF CITY COUNCIL...JUNE 1, 2021

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the award of the Expansion of Dispatch Console Positions Project at the Biddeford Police Department to *Watson Consoles* in an amount not to exceed **\$21,282.20**, with funds to come from the Unassigned Fund Balance.

NOTE: The Finance Committee will consider this item at their June 1, 2021 meeting and send their recommendation to the City Council.

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

Vote: 8/1; Councilor Ready opposed.

Councilors Emhiser, McCurry, St. Cyr, Clearwater, Belanger, Ortiz and Lessard in favor.

Motion carries.

Committee-of-the-Whole: Discussion of Parking Space Easement for Access to Mobile Food Court at 64 Alfred Street

Motion by Councilor McCurry, seconded by Councilor Lessard to move into Committee-of-the-Whole.

Vote: Unanimous.

Time: 6:12 p.m.

Planning & Development Director Mathew Eddy presented the item. A proposal has been submitted by Developer Steven Liautaud for the vacant property on the corner of Alfred and Pool Streets. As part of the proposal, Mr. Liautaud is requesting the easement of two parking spaces that are currently marked 2-hour spaces on the Franklin Street extension that runs between Louis Pizza and Pool/Jefferson Street.

City Manager Jim Bennett explained that the Council will want to keep in mind the bigger policy that needs to be addressed, and that is the eventual increase of food trucks coming into the City.

Mat Eddy noted that in this particular case, allowing this type of business (a food court) on this private property is not the issue; the issue is access to the property from public property.

Some Councilors expressed concern with taking away parking spaces in the downtown area and the fact that other businesses also rely on those parking spaces.

Councilor Emhiser suggested sending this issue to the Downtown Development Commission to begin discussion and to come up with viable suggestions. From there, necessary ordinance amendments would be forwarded on to be considered by the Policy Committee.

Generally speaking, the Councilors feel that taking two spots so that trucks can park and leave is not really an issue. Some Councilors are concerned about where the employees will park, and in that, possibly take up parking spaces throughout the day.

Councilor Lessard suggested going along with the submitted proposal on a temporary basis to see how it goes. Also, there needs to be a review of the financial impact of mobile vendors vs brick and mortar businesses. He feels that review should be done by one committee, and not bounced around to a couple of different committees in order to streamline the process.

Councilor Belanger disagreed with the temporary idea, and feels that it would be unfair for a business to pay to set up and do what needs to be done only on a temporary basis. He agreed with Councilor Emhiser that the DDC should start the review process and then forward suggestions on to the Policy Committee for any necessary ordinance changes.

Jim noted, and Councilor Lessard agreed that this issue has to be looked at as the whole City and not just in the downtown area. It is inevitable that the City will see more and more food trucks coming into the City and they will be locating all over the City.

Councilor Belanger suggested that Council move forward with the Steve Liautaud project and grant permission conditionally to what will come forward as ordinances in the future. The understanding is that this particular project would not be grandfathered, but would be expected to comply with future ordinances.

Mayor Casavant suggested having the DDC and Policy Committee work at the same time so as to not drag out the process unnecessarily. This was generally agreed to by the rest of the Council.

Motion by Councilor McCurry, seconded by Councilor Lessard to move out of Committee-of-the-Whole.

Vote: Unanimous

Time: 6:44 p.m.

Committee-of-the-Whole: Discussion on Use of American Rescue Plan Funds

Motion by Councilor McCurry, seconded by Councilor Lessard to move into Committee-of-the-Whole.

Vote: Unanimous.

Time: 6:44 p.m.

City Manager Jim Bennett presented the item, for which he had submitted a Memo outlining suggested uses for the ARP Funds.

Mayor Casavant would like to see this be a community discussion, and that the decision on how to expend the funds not all rest on the Council.

Councilor Lessard cautioned about allocating funds where it would not be sustainable. He suggested allocating most of the funds towards CSO projects. Councilor McCurry agreed.

Mayor Casavant is concerned that there are just not enough contractors out there who can do the work, and the money needs to be spent by December 2024. There is a good chance that all the funds could not be all realistically spent on CSO projects.

Councilor Ortiz looks at this as an opportunity to assist businesses who have taken a hit over the past year due to the pandemic, and possibly being able to give those businesses the boost they need to stay viable. She would like the City to do their due diligence and look into who those businesses are, what those businesses need and the best way to help the community.

Councilor Belanger agreed with Councilors Lessard and McCurry to fund CSO projects; and that a significant amount of the funds should be used for that. He noted that there are vague guidelines on helping businesses and we need to look at ways to assist those who have been hit the hardest during the pandemic. Jim Bennett suggested looking into sustainable programs to invest in that would assist the neediest in our community.

Councilor Belanger suggested creating a revolving loan fund for businesses, if this is something that would be acceptable under the ARP guidelines.

Councilor Ready agreed with Mayor Casavant that other needs within the community, besides the CSO projects, need to be looked at. The City will need to reach out to the community to find out where the real needs are.

Councilor Clearwater thinks the CSO projects are a no-brainer. She also recognizes that the pandemic has left a bubble of need in the community and those issues could possibly be addressed. She wants to make sure there is an inclusive public discussion on this.

Councilor Lessard suggested that the City start going out to bid on the CSO projects in the near future and start getting commitments from contractors – especially since we will undoubtedly be competing with other communities who are having the same discussion.

Motion by Councilor McCurry, seconded by Councilor Lessard to move out of Committee-of-the-Whole.

Vote: Unanimous

Time: 7:16 p.m.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
A couple of folks addressed their comments to the Council.

City Manager Report:

City Manager Jim Bennett confirmed that the intention is to have all the City committees/boards/commissions start meeting in-person and that Zoom will be available for those who are not comfortable meeting in public. He noted that it is possible that this hybrid model of having in-person meetings, while still offering the Zoom alternative could become permanent.

Other Business:

Councilor Ready: asked about where the City is on the Spectrum contract. Jim Bennett did not know, but will check with Chief Operating Officer Brian Phinney and report back.

Councilor Ready asked if the walkway from the parking garage to the downtown has been started; and Jim answered that construction has not yet begun due to the wait on permits.

Council President Addressing the Council: Councilor McCurry expressed how pleased he is to be meeting in-person again. He then wished out-going Councilor, Robert Quattrone, Jr. the very best and thanked him for his years of service to the City.

Mayor Addressing the Council: Mayor Casavant thanked the AMVETS and Heart of Biddeford for organizing the Memorial Day event.
He echoed Councilor McCurry's sentiment about being pleased to be meeting in-person.

Executive Session:

- **1 MRSA 405(6)(C)...Real Estate Issue**
- **1 MRSA 405(6)(A)...Personnel Matter**

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

Time: 7:32 p.m.

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

Vote: Unanimous. Time: 9:30 p.m.

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

Vote: Unanimous. Time: 9:30 p.m.

Attest by: _____
Carmen J. Morris, City Clerk