

**City of Biddeford
COUNCIL MEETING**

May 16, 2023

{The meeting was held in a hybrid model – in person and via Zoom}

Called to order by Mayor Casavant at: 6:00 p.m.

Roll Call:

Mayor Casavant
Councilor Emhiser
Councilor Whiting
Councilor Grohman via zoon
Councilor Mills excused
Councilor Schlaver
Councilor Belanger
Councilor LaFountain
Councilor Ortiz
Councilor Lessard

Pledge of Allegiance

Proclamation: Kids to Park Day in the City of Biddeford, May 20, 2023.

Mayor Casavant read the proclamation.

Presentation: Moratorium on Seaweed Aquaculture

Informational Presentation by Crystal Canney from Project Maine.

Public Addressing the Council: citizens, business owners, academia and conservationists expressed their concerns with the impact of the moratorium language. This was an informational presentation, the Council will not take action at this time. Any future consideration would require the public hearing notification process.

Consideration Game of Change Bingo Application – City Theater Associates

Motion made by Councilor Belanger, seconded by Councilor Whiting to confirm the application.

Vote: Unanimous.

Application confirmed.

Public Hearing: City of Biddeford Comprehensive Plan

The Public Hearing was opened at 6:11 pm

Comprehensive Plan Update Presentation by City Planning and Development Department

Public Comments: 4 citizens spoke, the general comments were:

- Appreciate the plain language format.
- Request to use the most recent homeless data.
- Request to include the unhoused population in the goals section.
- Several comments about the high demand for affordable housing.
- Comments regarding citizen input at multiple points in the process over several years.

- Acknowledge that it is a living document with ability to adapt.
- The Chair closed the Public Hearing at 6:51 pm

Consideration of Minutes: City Council Meeting Minutes, May 2, 2023

Motion made by Councilor Belanger, seconded by Councilor LaFountain.

Vote: Unanimous.

Minutes approved.

Second Reading:

2023.37) Amend Code of Ordinances, Part II – Utilities/Industrial Pretreatment Program, Chapter 71, Sec 71-8 Local Limits

Motion made by Councilor Belanger, seconded by Councilor Lessard.

Vote: Unanimous.

Ordinance passed.

Orders of the Day:

2023.55) Approval/Lead Based Paint Hazard Reduction Program – Education Agreement with University of New England.

Motion made by Councilor Belanger, seconded by Councilor Lessard.

Public Addressing the Council: Lead fuel for airplanes is a large source of airborne lead.

Councilor Lessard – this was reviewed by the finance committee in great detail. Extends the contract, a great value. In favor of the agreement.

Vote: Unanimous.

Agreement passed.

2023.56) Approval /Flag Policy Exception Request

Motion made by Councilor Whiting, seconded by Councilor Belanger.

Public Addressing the Council:

10 citizens provided comments in support of flying the LGBTQ+ Progressive Pride Flag for the entire month of June 2023; comments were:

- June is Pride Month for the LGBTQ community.
- Flags have a long history as important symbols.
- Mental health and hate crime statistics for the LGBTQ community were provided.
- Last year Biddeford was praised for being a welcoming city.
- The challenge is when competitive flag requests try to block a flag for important dates.
- Biddeford has a 60 year history of flying the Irish flag on St. Patrick's Day.
- An offer was provided to help the Policy and DEI committees work on policy language.

Councilor Ortiz - pleased with the symbolism of flying the flag for 30 days last June, 1 week for this year is not sufficient.

Councilor Whiting – clarified that the motion on the table is the resolution for the exception to the policy. Would like to revisit the policy in the future. In favor of the resolution.

Councilor Lessard - motion to amend the policy to start July 1st, 2023, that the only flags allowed to fly on the City flag pole would be the US flag, State of Maine flag, City flag and the POW/MIA flag.

Motion seconded by Councilor Belanger to allow discussion.

Public Addressing the Council:

2 citizens addressed the council opposing the proposed amendment.

General Comments:

- Should not mix religion and government
- Should not allow a few groups to block all flags (other than the 4 listed).
- The White House has celebrated Pride Month for over 20 years.

Councilor Lessard – clarified that this is for the flag pole on top of City Hall. It eliminates polarizing issues from being placed there. It would start after Pride Month this year. Other spaces in the city could be provided for community flags.

Councilor LaFountain – not in support of this amendment. The flagpole is a place to gather and celebrate.

Councilor Schlaver – not in support of this amendment. Supportive of the separation of religion and government; the government should support the Pride Flag.

Councilor Belanger – request for an opinion from legal counsel re: what the City can and can't do with this exception.

Legal Counsel Harry Center– Biddeford has a flag policy that includes reasonable time, place and manner regulations on free speech by the government. The City can include a number of days per flag in the policy, determine the number of flags on the pole, and the method to choose the placement of the flags. Both the resolution and the policy are legal. If the issue is one of a competing flag trying to block the celebration of a particular group then the policy criteria covers that. The policy is reasonable and fair.

City Manager Bennett clarified that in this case the first request was for the Christian flag for the month of June.

Councilor Belanger – the reason why the Policy Committee decided on the 7 day limit was to prevent a group from trying to preempt another group's flag.

Councilor Schlaver - suggested that the City, possibly the DEI Committee, come up with a method to establish a public calendar for the flags and avoid future exceptions.

Councilor Lessard – policy language on unifying; “unifying” is subjective.

Vote: 2 yea, Lessard, Belanger; 6 nay, Emhiser, LaFountain, Ortiz, Schlaver, Whiting; Grohman voted nay via Zoom.

Amendment failed.

Council discussion returned to the original resolution 2023.56

Councilor Belanger – the current policy with a 7 day period is the wiser option, not trying to demean any group; will oppose the resolution.

Councilor Ortiz – the current policy needs more work, this is an important issue; will support the resolution.

Councilor Lessard – this has been a good, robust conversation about an important topic.

Councilor Grohman – June is Pride month, 30 days is meaningful; will support the resolution.

Councilor LaFountain – the DEI Committee is working on a Pride Month proclamation for a future meeting.

Mayor Casavant – commented that we are a polarized society but we also need to focus on unifying forces. Government should take a stand and have a voice that resonates. There won't be a perfect policy that will please everyone. Think in the moment.

Councilor Belanger – clarified that the resolution will allow 2 flags to fly on the flag pole for the entire month of June; the placement will be the Christian flag on top and Pride flag on bottom for the first 15 days and then they will switch for the remainder of the month.

Vote: 2 nay, Lessard, Belanger; 6 yea, Emhiser, LaFountain, Ortiz, Schlaver, Whiting; Grohman voted yea via Zoom.

Resolution passed.

Council took a 5 minute recess at 8:26; Council resumed at 8:31pm

2023.57 Amend/Ch 2 – Administration, Art. IV – Boards, Committees, Commissions, Div. 6 – Downtown Development Commission, Sec. 2-254 Functions and Purposes.

Motion made by Councilor Belanger, seconded by Councilor Lessard.

Vote: Unanimous.

Amendment passed.

2023.58 2023 City of Biddeford Comprehensive Plan Adoption

Motion made by Councilor Belanger, seconded by Councilor Emhiser.

Public Addressing the Council:

The review process by the State will improve the plan.

Request to support the needs of the unhoused.

Councilor Lessard – Council continues to work on affordable housing with programs such as Density Bonuses, Back Lots, reducing road fronts by 10%. Appreciates all the work that went into the plan.

Councilor LaFountain – appreciates the work on the plan and the presentation. How can new information be added? Also a question about LD2003. He would like to have a discussion of the Growth Areas and the UNE overlay.

City Manager Bennett – there are two options to add more information. The Council can offer amendments and then adopt the plan or adopt the plan and then offer amendments. This plan was many years in the making. The Council could have future workshops to identify priority items. There are discussions at the State, communities that do not use a Town Meeting form of government would get a six month extension on LD2003.

Councilor Belanger – waiting for many years for the Comprehensive Plan, happy to see it. For the next meeting would like a large map of the Growth Areas. Recommend to adopt the plan.

Councilor Grohman – very good work, a long time coming. Recommend to adopt the plan.

Councilor LaFountain – appreciates the historical context in the plan, would like to see an acknowledgement of the indigenous communities that were here for thousands of years.

Mayor Casavant – it is important to balance growth with quality of life, keeping our farm land and open spaces. The team did a magnificent job on the plan. Well done.

Vote: Unanimous.
First Reading passed.

Motion to extend the meeting past 9:00 pm by Councilor Belanger, seconded by Councilor Lessard.

Vote: Unanimous.
Meeting extended.

**2023.59 Award/Consultant to Assist with Unhoused Services Analysis –
WestEast Design Group**

Motion made by Councilor Lessard, seconded by Councilor Belanger.

Public Addressing the Council:

Several comments about the cost of the consultant versus purchasing items directly for the unhoused.

Councilor Whiting – was opposed to the RFP and is opposed to this contract.

Councilor Belanger – had an extensive discussion in the Finance Committee. This is not just a study, the consultant will give a series of proposals and costs for the Council to consider.

Councilor Grohman – this is different than Affordable Housing Task Force work, there are other elements involved such as health care and other services. This is a difficult problem. It would be wise to support it. Would like the City Manager to explain the RFP.

City Manager Bennett – this is the toughest issue facing elected officials in Maine. There are a range of options available from doing the minimum to building full care facilities with staff. Need to be deliberate in the process. Recommends outside expertise to advise Council about policy and costs. Council has several options: 1) ask the staff for recommendations. 2) decide what to do and provide the funds 3) get additional information to make a good decision. Recommend to support this contract.

Councilor Lessard – has requested additional information to take to the York County Budget Committee meeting next week. This is a regional problem and should have a regional solution.

Councilor Ortiz – understands the concern with funding. Reverend Shirley works with many of the agencies involved with the unhoused. She recommended to the Task Force that they use an outside consultant with this process. Will support the motion.

Councilor LaFountain – money was spent last year and continues to be spent. Getting policy recommendations from the consultant is a good idea. Will support the motion.

Councilor Lessard – if this is passed he would like the consultant's report submitted to the Council by the first meeting in September.

Vote: 1 nay – Whiting; 7 yea – Emhiser, Schlaver, Belanger, LaFountain, Ortiz, Lessard.
Grohman affirmative via Zoom.
Award passed.

Appointments:

Carolyn Schmidtke – Zoning Board of Appeals

Motion made by Councilor Belanger, seconded by Councilor Lessard.

Vote: Unanimous.

Appointment confirmed.

Marrick Auger – Downtown Development Commission

Motion made by Councilor Belanger, seconded by Councilor Lessard.

Vote: Unanimous.

Appointment confirmed.

Public Addressing the Council:

Chrystal Canning – additional aquaculture comments, clarified that she is not a lobbyist.

City Manager Report:

Pass

Other Business:

Councilor LaFountain – thanked the Mayor and Councilor Emhiser for social media posts about the Climate Task Force. There is a recycling app on the City website. The Spring Pollinator Festival was well attended. Residents are experiencing flooding on Pinewood Circle, this needs to be checked.

Council President Addressing the Council:

If there is any interest on the aquaculture moratorium reach out and it will be discussed in a workshop.

Mayor Addressing the Council:

The Mayor gave examples of two residents who needed emergency housing this week. People are struggling.

Motion made by Councilor Belanger, at 9:28 pm, to go into Executive Session pursuant to 1 MRS 405 (6) (c) Real Estate Matter. Seconded by Councilor Lessard.

Vote: Unanimous.

Motion made by Councilor Emhiser, at 10:06 pm, to come out of Executive Session. Seconded by Councilor Whiting.

Vote: Unanimous.

Motion to Adjourn at 10:06 pm by Councilor Emhiser, seconded by Councilor Lessard.

Vote: Unanimous.

Meeting adjourned at 10:06 pm

Attest by:

A handwritten signature in blue ink, appearing to read 'Robin Patterson', is written over a horizontal line.

Robin Patterson, City Clerk