

**COUNCIL MEETING
MAY 7, 2019**

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., Amy Clearwater, Norman Belanger, Michael Ready, Laura Seaver, Marc Lessard

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

Adjustments to the Agenda:

- Remove Order 2019.41 – Reconfiguration of Green Parking Lot
- Add Proclamation

Presentation: UNE Student Volunteer of the Year

Mayor Casavant recognized UNE Student, Courtney Reynolds for all her volunteer efforts outside of the University of New England; and presented her with a plaque. He expressed appreciation on behalf of the City Council and the citizens of the Biddeford.

Proclamations:

- **Police Week – May 12th to 18th, 2019**
- **Kids to Park Day – May 18, 2019**
- **Municipal Clerks Week – May 5th to 11th, 2019**

Mayor Casavant read all three Proclamations. He noted that the Municipal Clerks Week Proclamation was included as a surprise to City Clerk, Carmen Morris; and he thanked her and her Staff for all that they do.

Public Hearing: 9th Amendment to the Rte 111-Mill Redevelopment Municipal Development & Tax Increment Financing (TIF) District

The Chair opened the Public Hearing at 6:11 p.m.

There were no public comments.

The Public Hearing was closed at 6:11 p.m.

Public Hearing: Riverdam Municipal Development & Tax Increment Financing (TIF) District

The Chair opened the Public Hearing at 6:11 p.m.

There were no public comments.

The Public Hearing was closed at 6:11 p.m.

Public Hearing: Liquor License – Lorne Wine (61 Main Street)

The Chair opened the Public Hearing at 6:11 p.m.

There were no public comments.

The Public Hearing was closed at 6:11 p.m.

Consideration of Liquor License: Lorne Wine (61 Main Street)

Motion by Councilor McCurry, seconded by Councilor Clearwater to recommend the issuance of a liquor license to Lorne Wine.

Vote: Unanimous.

Consideration of Minutes: April 16, 2019; April 25, 2019

Motion by Councilor Ready, seconded by Councilor Clearwater to accept the April 16, 2019 minutes as printed.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Clearwater to accept the April 25, 2019 minutes as printed.

Vote: Unanimous.

Orders of the Day:

2019.37

IN BOARD OF CITY COUNCIL...MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve and authorize the City Manager to sign, execute and submit the City's Final Draft of the CDBG Year 2 Action Plan and all associated documents in connection with the Community Development Block Grant (CDBG) Program to the U.S. Department of Housing and Urban Development.

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

Vote: Unanimous.

2019.38

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to sign the Inter-Local Agreement between the City of Biddeford and the Town of Hollis to provide Public Safety Answering Point (PSAP) Services through June 30, 2022.

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

Vote: Unanimous.

2019.39

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager or his designee to organize, advertise, conduct a sealed bid auction for the sale of surplus equipment, and ultimately dispose of surplus equipment, as per the attached list, which is deemed no longer useful to the City of Biddeford.

BE IT FURTHER ORDERED, that the successful bidder shall be the highest bidder for each piece of equipment or if an aggregate bid is submitted, that combination of single and aggregate bids that provides the highest cumulative sale price(s) to the City.

BE IT FURTHER ORDERED, that all proceeds from the auction shall be deposited into the General Fund.

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

Vote: Unanimous.

2019.40

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby award a contract for Line Striping to Poirier Guidelines for an amount not to exceed \$47,342.79.

NOTE: The Finance Committee will review this item at their May 7, 2019 meeting.

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

Vote: Unanimous.

2019.42

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDERED, by the City Council of the City of Biddeford that the additional Paving Program Funds of \$40,000, coming out of the Road Construction Account - 21204-60604 be used to pave Paul Street and part of Forest Street – from Ridgeview Drive to Elm Street.

NOTE: The Finance Committee will review this item at their May 7, 2019 meeting.

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

Vote: Unanimous.

2019.43

CITY OF BIDDEFORD CITY COUNCIL ORDER.....MAY 7, 2019

Ninth Amendment to the Rte 111-Mill Redevelopment Municipal Development and Tax Increment Financing District

and

Riverdam Municipal Development and Tax Increment Financing District

WHEREAS, the City of Biddeford (the "City") is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to amend the **Rte 111-Mill Redevelopment Municipal**

Development and Tax Increment Financing District (the “Rte 111-Mill District”) Development Program (as amended, the “Rte 111-Mill Development Program”); and

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate the **Riverdam Municipal Development and Tax Increment Financing District** (the “Riverdam District,” and together with the Rte 111-Mill District, the “Districts”) and the Development Program (the “Riverdam Development Program,” and together with the Rte 111-Mill Development Program, the “Development Programs”) for the Riverdam District; and

WHEREAS, there is a need for economic development in the City of Biddeford, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base of the City of Biddeford; and to improve the general economy of the City of Biddeford and the surrounding region; and

WHEREAS, implementation of the Development Programs will help to improve and broaden the tax base in the City of Biddeford and improve the economy of the City of Biddeford and the region by attracting business development to the Districts; and

WHEREAS, there is a need to implement continued economic development initiatives in the Districts through the Development Programs in accordance with the provision of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development (the “Department”), approving the *Ninth Amendment to the Rte 111-Mill Redevelopment Municipal Development and Tax Increment Financing District* and the Rte 111-Mill Development Program related thereto and approving the *Riverdam Municipal Development and Tax Increment Financing District* and the Riverdam Development Program related thereto;

ORDERED AS FOLLOWS:

Section 1. The City of Biddeford hereby approves the Ninth Amendment to the Rte 111-Mill Redevelopment TIF District and Development Program; such amendment to be pursuant to the following findings, terms, and provisions:

Section 2. The City Council hereby finds and determines that:

a. This amendment to the Rte 111-Mill Development Program will not result in the Rte 111-Mill District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3); and

b. The Rte 111-Mill District and the Rte 111-Mill Development Program will make a contribution to the economic growth and well being of the City of Biddeford and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Biddeford, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the Ninth Amendment to the Rte 111-Mill Development Program.

Section 3. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Rte 111-Mill Development Program is hereby established as set forth in the Rte 111-Mill Development Program.

Section 4. The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Ninth Amendment to the Rte 111-Mill Development Program for the Rte 111-Mill District to the Department for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 5. The foregoing adoption of the Ninth Amendment to the Rte 111-Mill Development Program for the Rte 111-Mill District shall automatically become final and shall take full force and effect upon receipt by the City of approval of the by the Department, without requirement of further action by the City, the City Council, or any other party.

Section 6. The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Ninth Amendment to the Rte 111-Mill Development Program for the Rte 111-Mill District as the City Manager, deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Rte 111-Mill District

by the Department, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Rte 111-Mill Development Program.

Section 7. The City of Biddeford hereby designates the Riverdam District and adopts the associated Riverdam Development Program for the Riverdam District; such designation and adoption to be pursuant to the following findings, terms, and provisions:

Section 8. The City Council hereby finds and determines that:

- a. At least twenty-five percent (25%), by area, of the real property within the Riverdam District, as hereinafter designated, is suitable for commercial uses; and
- b. The total area of the Riverdam District does not exceed two percent (2%) of the total acreage of the City, and the total area of all existing and proposed development districts within the City (including the Riverdam District) does not exceed five percent (5%) of the total acreage of the City; and
- c. The original assessed value of all existing and proposed tax increment financing districts (including the Riverdam District) does not exceed five percent (5%) of the total value of equalized taxable property within the City as of April 1, 2013; and
- d. The Riverdam District and pursuit of the Riverdam Development Program will make a contribution to the economic growth and well-being of the City of Biddeford and the surrounding region, and will contribute to the betterment of the health, welfare and safety of the inhabitants of the City of Biddeford, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that such adverse economic effect on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the Riverdam District and Riverdam Development Program.

Section 9. Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Riverdam Development Program is hereby established as set forth in the Riverdam Development Program.

Section 10. The City Manager, or his duly appointed representative, is hereby authorized, empowered and directed to submit the proposed Riverdam Development Program for the Riverdam District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 11. The foregoing designation of the Riverdam District and adoption of the Riverdam Development Program for the Riverdam District shall automatically become final and shall take full force and effect upon receipt by the City of approval by the State of Maine Department of Economic and Community Development, without requirement of further action by the City, the City Council, or any other party.

Section 12. The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Riverdam District and Riverdam Development Program for the Riverdam District as the City Manager may deem reasonably necessary or convenient in order to facilitate the process for review and approval of the District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Riverdam Development Program.

Section 13. The City Manager, in the name and on behalf of the City, is hereby authorized and directed to enter into a credit enhancement agreement between the City and the developer of the project to be located in the Riverdam District, on terms as described in the Riverdam Development Program.

Dated: May 7, 2019

Motion by Councilor Seaver, seconded by Councilor Clearwater to grant the order.

There were no public comments or Council discussion.

Vote on Order: 7/2; Councilors McCurry and Quattrone opposed.

Councilors Swanton, St. Cyr, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2019.44

IN BOARD OF CITY COUNCIL... MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to execute a Joint Development Agreement with Draft Room LLC substantially in the form as presented, for the development of the Riverdam Mill Building.

Motion by Councilor Seaver, seconded by Councilor Clearwater to grant the order.

Vote: 7/2; Councilors McCurry and Quattrone opposed.

Councilors Swanton, St. Cyr, Clearwater, Belanger, Ready, Seaver and Lessard in favor.

Motion carries.

2019.45

IN BOARD OF CITY COUNCIL...MAY 7, 2019

BE IT ORDERED, by the City Council of the City of Biddeford does hereby authorize the City Manager to accept ownership, on behalf of the inhabitants of the City of Biddeford, of a land gift from Mary Brown identified as MBLU 3-52 comprised of approximately ±7.0 acres.

BE IT FURTHER ORDERD, that each party involved in the transaction shall pay their respective legal fees as may be applicable.

Note: *It is understood that the City Manager will prepare or direct to be prepared all necessary paperwork for the transfer in consultation with the City Solicitor.*

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

Vote: Unanimous.

2019.46

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDERED, that the City Council of the City of Biddeford does hereby approve the LaKermesse Franco-Americaine Festival revisions to the field layout for the 2019 Festival.

NOTE: This item was reviewed by the Recreation Commission on April 29, 2019 and their recommendation is included in the attached Memo from Recreation Director, Carl Walsh.

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

Vote: Unanimous.

2019.47

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 46, PARKS, **Section 46-11, Alcoholic beverages, fires, use of closed areas** is amended by adding or ~~deleting~~ to read as follows:

Section 46-11, Alcoholic beverages; camping and erection of structures; fires; use of closed areas.

(d) Except by Permit issued by the Recreation Director, no person may erect, setup, or maintain any tent, shack, shelter or any other structure within or on any Park as identified under Section 46-5 of this Chapter. The Recreation Director may cause the removal of any such structure that has been erected without permission.

NOTE: The Policy Committee considered this ordinance amendment at their April 22, 2019 meeting and voted unanimously to recommend approval by the Council.

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

Vote: Unanimous.

2019.48

IN BOARD OF CITY COUNCIL...MAY 7, 2019

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 GERNERAL, **Section 42-1 Definitions**, is amended by adding or ~~deleting~~ to read as follows:

HAMMERHEAD TURN AROUND – Consists of two rectangular turnouts directly opposite to each other and oriented perpendicular to the street centerline.

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 GERNEAL, **Section 42-7 General Parking Prohibitions**, is amended by adding or ~~deleting~~ to read as follows:

(7) Within any portion of, and within twenty (20) feet of the approach of a Hammerhead Turnaround

(8) Within twenty (20) feet at the end of any dead end street (includes both sides and entire width)

NOTE: The Policy Committee considered this ordinance amendment at their April 22, 2019 meeting and voted unanimously to recommend approval by the Council.

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

Vote: Unanimous.

2019.49

IN BOARD OF CITY COUNCIL..MAY 7, 2019

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 2, Administration, Article IV, Boards, Committee, Commissions, Division 6. DOWNTOWN DEVELOPMENT COMMISSION**, is amended by adding or ~~deleting~~ to read as follows

ARTICLE IV. BOARDS, COMMITTEES, COMMISSIONS

DIVISION 6. DOWNTOWN DEVELOPMENT COMMISSION

Sec. 2-251. Established.

The Biddeford Downtown Development Commission is hereby established.

Sec. 2-252. "Commission" defined.

Unless otherwise indicated, the term "Commission," as used in this division, shall mean the Biddeford Downtown Development Commission.

Sec. 2-253. Composition; appointment of Commissioners; terms of office; removal of members.

(a) The Commission shall consist of 9 members, referred to in this division as "Commissioners." Such Commissioners shall be nominated by the Mayor and confirmed by the City Council.

(b) Commissioners shall serve for three-year terms. The terms of each Commissioner shall be staggered so that no more than ~~four~~ three (3) Commissioners' terms shall expire in the same year. Any Commissioner appointed to fill a vacancy for which more than half of the unexpired term remains shall be deemed to have served one full term.

(c) A Commissioner shall automatically be removed from office in the event that he or she no longer is a resident of the City of Biddeford or is absent for three consecutive regular meetings without being excused by the Chair.

Sec. 2-254. Functions and purposes.

It shall be the function of the Downtown Development Commission to:

(1) Encourage and promote the expansion and development of existing commercial firms downtown and to promote and encourage the location of new commercial firms downtown.

(2) Through the ~~Economic Development Office Planning and Development Department~~, establish and maintain files of data and information of interest and assistance for downtown publicity and marketing.

(3) Review downtown ordinances and recommend revisions to the Policy Committee.

(4) Serve as coordinator for such boards, merchant groups, commissions and City departments as shall be established from time to time to ~~study~~ provide analysis and make policy recommendations to City Council and other city committees, commissions and boards-matters relating, but not limited to downtown parking, traffic circulation, historic districts, land use, public utilities, landscape, streetscape and a downtown comprehensive plan; hold downtown promotions and events; and promote and implement downtown beautification and cleanup projects.

(5) Work with the ~~Economic Development Office Planning and Development Department~~ to gather, correlate and preserve records, statistics, surveys and other data relating to downtown land classifications and uses, buildings, commercial firms, labor, and such matters that will enable it to carry out its functions and purposes.

(6) Perform such other functions as may be required or delegated by the Mayor and City Council.

Sec. 2-255. Filling of vacancies.

Vacancies on the Commission shall be filled for the remainder of the term in the same manner as original appointments are made.

Sec. 2-256. Quorum.

~~Seven~~ A simple majority of Commissioners shall constitute a quorum.

Sec. 2-257. Required vote.

The Commission shall act by majority vote of those present and voting. The Commission by majority vote may permit a Commissioner to participate and vote in a meeting by conference call, video streaming or similar means of remote access.

Sec. 2-258. Annual election of Chairman.

The Commission shall hold a meeting at the beginning of each calendar year for the purpose of electing a Chair. The Chair shall not vote except to break a tie.

Sec. 2-259. Management of Commission.

The management of the Commission shall be vested in the Commissioners appointed and confirmed in accordance with Section 2-253. The Commission shall be staffed by the ~~Economic Development Director~~ Director of Planning and Development or designee.

Sec. 2-260. through Sec. 2-261. (Reserved)

[1] Editor's Note: Former Section 2-260, Nomination of Director, as amended, and former Section 2-261, Director to perform assigned duties, were repealed 3-21-2013 by Ord. No. 2013.13.

Sec. 2-262. Director to supervise Commission activities.

The day-to-day operation and administration of the Commission shall be under the supervision of a Director.

Sec. 2-263. Chair to submit budget, reports.

Annually, the Commission Chair shall, on or before January 1 of each year, submit a budget for the ensuing year and submit reports as requested to the Commission and Council.

Sec. 2-264. Director, Chairman to execute contracts and agreements.

All contracts, agreements and other matters entered into under the authority contained in this division shall be executed by the Director and Chairman of the Commission with Mayor and Council approval.

Sec. 2-265. Authority to establish subcommittees.

The Commission may from time to time establish subcommittees composed of such persons as the Commission shall desire to provide advice and counsel on downtown matters.

Sec. 2-266. Authority of Council to assign powers, duties.

The Council may assign additional powers and duties to the Commission as it deems necessary.

Sec. 2-267. Designation as agent for City.

The Council may from time to time designate the Commission to serve as agent for the City in matters relating to ~~the federal government, the state,~~ other cities and towns, persons or corporations.

Sec. 2-268. Expenditures.

All Commission expenditures shall comply with the City procurement policies established in the City Code of Ordinances, Procurement, Sec. 2-331 et seq.

NOTE: The Policy Committee considered this ordinance amendment at their April 22, 2019 meeting and voted unanimously to recommend approval by the Council.

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

Vote: Unanimous.

Motion by Councilor Belanger, seconded by Councilor Clearwater to suspend the rules and allow for an immediate second reading and effective date of the ordinance amendment.

Vote: 7/2; Councilors Lessard and McCurry opposed.

Councilors Swanton, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Seaver in favor.

Motion carries.

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

Vote: 7/2; Councilors Lessard and McCurry opposed.

Councilors Swanton, St. Cyr, Quattrone, Clearwater, Belanger, Ready and Seaver in favor.

Motion carries.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):

Recreation Director, Carl Walsh announced that the Recreation Department will be sponsoring some activities on May 18th from 9:00 a.m. to noon at May Field in recognition of *Kids to Park Day*.

City Manager, James Bennett did not have a report.

Other Business:

Councilor Swanton: informed that even though Earth Day was this past weekend, folks may still purchase composters at the Public Works Department.

He asked if it would be possible to waive the disposal fee for disposing of brush for the Biddeford Pool Land Trust who has taken responsibility for keeping the walking trails at Biddeford Pool cleaned up. City Manager, Jim Bennett said he would take care of it.

Councilor Clearwater: announced that last week's Plogging event went well and ten huge bags of trash were collected.

She also announced that the newly formed Biddeford Youth Council is taking applications until May 24th.

Councilor Lessard: has asked that Staff look into the possibility of swapping the trash and recycling containers, resulting in the larger container being for trash and the smaller container being for recyclables.

He noted that the Recycling Facility at Public Works is open on Sundays in May (except for Mother's Day) and on the first Sunday in June; as well as a few Sundays during the Fall. These Sunday hours are instituted to accommodate folks who are doing Spring and Fall cleanup.

Council President Addressing the Council: Councilor McCurry gave a reminder that the Budget Public Hearing and 1st Reading of the Budgets is scheduled for tomorrow, May 8th at 6:00 p.m. in the Council Chambers.

He informed the Council that it was discussed at the Finance Committee meeting that the Water, Main and Hill Streets Project will not be scheduled to begin until May 2020 due to delays with DOT and getting easements in place.

Mayor Addressing the Council: Mayor Casavant shared that he attending an Eagle Scout ceremony this past Sunday for a young Biddeford resident. He was quite impressed; and was also impressed to find out that the City's Engineer, Tom Milligan was once installed as an Eagle Scout.

Executive Session: 1 MRSA 405(6)(D)...Labor Contract Negotiations – Fire Department

Motion by Councilor Clearwater, seconded by Councilor Belanger to move into Executive Session.

Vote: Unanimous.

Time: 6:40 p.m.

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

Vote: Unanimous.

Time: 7:45 p.m.

Motion by Councilor McCurry, seconded by Councilor Seaver to adjourn.
Vote: Unanimous. Time: 7:45 p.m.

Attest by: _____
Carmen J. Morris, City Clerk