

COUNCIL MEETING

April 4, 2023

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

Called to order by Mayor Casavant at: 6:05 p.m.

Roll Call: Norman Belanger, William Emhiser, Scott Whiting, Martin Grohman, Bobby Mills, Julian Schlaver, Liam LaFountain, Doris Ortiz and Marc Lessard were present. Bobby Mills started out on zoom then joined the meeting in person.

The Council and all that were present recited the Pledge of Allegiance

Adjustment to the Agenda: 7E Approval/Acceptance-Downtown Cameras was removed from the agenda.

*Presentations: **Lorraine M. Fleury Award***

Secretary of State, Shenna Bellows presented the Lorraine M. Fleury award to recently retired City Clerk, Carmen Bernier. This is an award given out once a year for exceptional work in elections.

Public Addressing the Council: (three minutes per speaker for up to fifteen minutes)
Three people from the public addressed the Council.

*Consideration of Minutes: **March 21, 2023***

Motion by Councilor Lessard seconded by Councilor Grohman, to accept the minutes as printed.

Vote: Unanimous

Motion Passes

Orders of the Day:

2023.23

IN BOARD OF CITY COUNCIL.....APRIL 4, 2023,

BE IT ORDERED, that the City Council of Biddeford does hereby authorize the City Manager to instruct Gale Associates to proceed with preparation and submittal of a formal grant application to the Federal Aviation Administration in the amount not to exceed \$795,000 for the West Apron Reconstruction Project at the Biddeford Municipal Airport (B19), requiring a 5% local match not to exceed \$39, 750.

BE IT FURTHER ORDERED, that upon successful award of the grant, the City Manager may accept the grant and authorize Gale Associates as the engineer and Shaw Brothers as the low-bid contractor to proceed with the work in accordance with all grant conditions and requirements.

Motion by Councilor Lessard, seconded by Councilor Grohman to pass the order.

Motion passed 7-2 (Belanger, Emhiser, Whiting, Grohman, Schlaver, LaFountain & Ortiz in favor; Mills & Lessard against)

2023.24

IN BOARD OF CITY COUNCIL....APRIL 4, 2023

BE IT ORDERED, that the City Manager is authorized to execute the attached Purchase and Sale Agreement between the City of Biddeford and One Diamond Development, LLC, where by the City of Biddeford shall convey a certain lot and parcel of land, together with any improvements thereon being located at Lot 74 on Biddeford Assessor's Tax Map 40 and being further described in a deed dated June 23, 1995 and recorded in the York County Registry of Deeds Book 7465, Page 84.

Motion by Councilor Lessard, Second by Councilor Schlaver to grant the order.

Motion by Councilor LaFountain, Seconded by Councilor Mills to amend the order to authorize the City Manager to sell the property with the sealed bid process.

Vote on Amendment 3/6

Councilors Grohman, Mills & LaFountain in favor; Councilors Belanger, Emhiser, Whiting, Schlaver, Ortiz & Lessard against

Motion for Amendment fails.

Vote for Order 6/3

Councilors Belanger, Emhiser, Whiting, Schlaver, Ortiz & Lessard in favor; Councilors Grohman, Mills & LaFountain against.

Motion Passes

2023.25

IN BOARD OF CITY COUNCIL....April 4, 2023

WHEREAS, The Biddeford City Council has received the Report of the Mayor's Affordable Housing Task Force;

WHEREAS, that report identified that long term residents of the City, most especially long term renters, "...are more likely to pay a greater percentage of their monthly income today than they did when they started renting..." and over fifty percent (50%) of all full time Biddeford residents are renters;

WHEREAS, the market rents continue to increase at a rate in Biddeford that exceeds cost of living and inflation, and the history and unique character of Biddeford includes a mix of residents with a range of income levels;

WHEREAS, the current increase in housing costs, particularly among renters is a hardship for the residents of the City of Biddeford and the Biddeford City Council recognizes and finds that there is currently a lack of affordable housing within the City of Biddeford, and the lack of affordable housing is detrimental to the health, safety and welfare of the inhabitants of the City of Biddeford and said lack of affordable housing constitutes an emergency as set forth in the Charter of the City of Biddeford, Article III, § 8.

WHEREAS, the Mayor's Affordable Housing Task Force has recommended that the City adopt an Inclusionary Zoning Ordinance and Inclusionary Zoning Regulations which may include multiple approaches;

WHEREAS, THE City's current land use ordinance, regulations and existing comprehensive plan are inadequate to prevent serious public harm, namely the continuance of residential development without requiring affordable housing units;

WHEREAS, THE City Council desires to have reasonable time to allow the public to provide input and feedback into any proposed Inclusionary Zoning Regulations and it is expected that several new residential projects may start initial approval process in order to avoid any new Inclusionary Zoning Regulations;

WHEREAS, based upon a finding that the current lack of affordable housing constitutes an emergency and the City of Biddeford current ordinances, land use regulations and existing comprehensive plan are inadequate to address the lack of affordable housing, pursuant to 30-A M.R.S. §4356, a moratorium on new residential projects with ten (10) or more units is necessary to address existing land use ordinance, rules and regulations and adopt new land use ordinances, rules and regulations;

WHEREAS, the Biddeford City Council desires to make certain that any new project exceeding then (10) or more new residential units be subject to any new Inclusionary Zoning ordinances, rules and/or regulations that may be adopted;

WHEREAS, the Biddeford City Council appreciates the financial impact that a moratorium has on potential project(s) and the Biddeford City Council desires to balance the impacts of a moratorium;

NOW, THEREFORE, IT IS HEREBY ORDERED that an emergency moratorium on any new residential project with ten (10) or more units shall be effective immediately to ensure that any proposed residential project of ten (10) or more new units shall be subject to Inclusionary Zoning Ordinances, Rules and Regulations to be adopted by the Biddeford City Council by July 7, 2023.

BE IT FURTHER ORDERED, that any new proposed residential projects of ten (10) or more units may, at their discretion, submit a completed application during the moratorium period, subject to, the full understanding and recognition that any such application(s) shall not be approved until the end of the moratorium and further understanding that any such application(s) shall be governed by any Inclusionary Zoning Ordinances, Rules and/or Regulations duly adopted by the City of Biddeford prior to end of the moratorium.

BE IT FINALLY ORDERED, that City staff is allowed to accept, review and consider new completed application(s) for any proposed residential projects of ten (10) or more residential units during said moratorium with the full understanding that any said project(s) shall not be approved until this order has expired;

***NOTE**

This is an Emergency Order pursuant to the City Charter, Art. III, §8. Upon a favorable vote and two-thirds (2/3) of the members present and voting. This Order shall be in full force and effective as of March 31, 2023.

Motion by Councilor Ortiz, seconded by Councilor Lessard to pass the order.

Motion by Councilor Schlaver, seconded by Grohman to amend the motion as follows:

No moratorium but encourage affordable housing by any projects with ten (10) or more units which include ten (10) % of the units with affordability restrictions at 80% Area Median Income for fifteen (15) years.

Vote on Amendment

1/8 Motion Fails (Councilor Emhiser in Favor, remainder opposed)

Motion by Councilor LaFountain, seconded by Mills to amend the motion as follows:

Moratorium is established for 120 days. Exceptions from the moratorium for any projects with ten (10) or more units which include ten (10) % of the units with affordability restrictions at 80% Area Median Income for fifty (50) years.

Vote on Amendment

6/3 Motion passes (Councilors Emhiser, Whiting, Grohman, Mills, LaFountain, and Ortiz in Favor, Councilors Belanger, Schlaver & Lessard against)

Motion by Councilor Belanger, seconded by Mills

Extend moratorium for 120 days, if anyone puts in an application during this time period will not be bound by any change made after the 120 days.

Vote on Amendment

5/4 Motion passes (Councilors Belanger, Emhiser, Whiting, Mills, Schlaver in Favor, Councilors Grohman, LaFountain, Ortiz & Lessard against)

Vote for Original Order

7/2 Motion Passed (Councilors Emhiser, Whiting, Grohman, Mills, Schlaver, LaFountain & Ortiz for, Councilors Belanger & Lessard against)

2023.26

IN BOARD OF CITY COUNCIL.... April 4, 2023

BE IT ORDERED, that the City Council authorizes the City Manager to execute and agreement with Poirier Guidelines for the estimated cost of \$63,801.09 for pavement

Motion by Councilor Belanger, seconded by Lessard to pass the order

Motion passed unanimously

Appointments: none

City Manager report:

Jim Bennet, the City Manager:

- All the CIP documents are in the Granicus folder for the May 29th meeting, there will be more stuff coming as they are ready via email.

- The City does collect excise tax on airplanes contrary to what was stated during public comments.
- The City has worked hard to make personnel feel happy and valued. Human Resources sent out a survey and over 65% of the employees replied that they plan to be with the City for at least the next 2 years. Statements made during public comment session may have been true 8 or 10 years ago, no longer so.
- Two documents from Greg Mitchell have been forwarded to the Board.

Public Addressing the Council:

One member of the public addressed the Council.

Other Business:

Councilor Lessard wanted to acknowledge all City employees but to give a special compliment the Public Works Staff. They have been picking up trash and doing a great job.

Councilor LaFountain complimented Odyssey of the Mind from Biddeford Middle School & High School, both teams are State Champions going to Michigan State for World Championships. Check them out on Facebook, they are trying to raise money for the trip. Earth Day is April 22nd, Biddeford Recreation is putting on a Park Clean up starting out with a free breakfast at JR Martin Community Center and free T shirts for those who sign up to help provided by Brady Screen Print.

Council President Addressing the Council: Councilor Belanger did not address the Council.

Mayor Addressing the Council: Mayor Casavant did not address the Council.

Adjourn:

Motion made by Councilor Mills, seconded by Councilor Schlaver to adjourn

Vote: Unanimous

Motion Passes

Time: 8:30 p.m.