

**COUNCIL MEETING
MARCH 6, 2018**

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., Victoria Foley, Norman Belanger, Michael Ready, Marc Lessard

Laura Seaver arrived at 6:02 p.m.

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

Adjustment to the Agenda:

- Add Order 2018.23) Authorization/Main Street Sidewalk Improvement Project-Phase 2

Presentation: Update on Property Valuation Changes

City Manager, James Bennett gave an update on the changes in the City's property valuations since September 2016. It was noted that the great percentage of change in values has occurred in the downtown area. Property sales in the downtown area continue to be in excess of valuation, even after a 20% increase in value in 2017. Sales are actually currently averaging 29.1% higher.

Consideration of Minutes: February 20, 2018

Motion by Councilor McCurry, seconded by Councilor Foley to accept the minutes as printed.

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendment and first reading, see the council meeting minutes of February 20, 2018}

2018.16) Amendment/Ch. 22, Businesses/Sec. 22-35-Ice cream truck/Add location restrictions

Motion by Councilor Swanton, Seconded by Councilor McCurry to grant the second reading of the ordinance amendment.

Vote: 8/1; Councilor Ready opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Foley, Belanger, Seaver and Lessard in favor. Motion carries.

Orders of the Day:

REVISED

2018.17 IN BOARD OF CITY COUNCIL..FEBRUARY 20, 2018

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 22, Businesses, **Article III-Criteria, Section 22-17 et al. Mobile Food Vendor**, is amended by adding or ~~deleting~~ to read as follows:

ARTICLE V

Sec. 22-17. Purpose.

The purpose of this Ordinance is to regulate mobile food vending on property owned or under the control of the City of Biddeford and mobile food vending on private property in order to create a desirable situation where mobile food apparatuses may conduct business.

Sec. 22-18. Definitions.

Edible goods may include, but are not limited to:

- a. Prepackaged food including, but not limited to candy, beverages, chips, popsicles and ice cream.
- b. Prepared food including, but not limited to hot dogs, desserts, sandwiches and pizza.
- c. On-site prepared food including, but not limited to shaved ice, sandwiches and tacos.

Mobile food vendors shall mean any business which sells edible goods from a non- stationary location within the city. The terms shall include, but not be limited to:

- a. Mobile food trucks: a self-contained motorized unit selling items defined as

edible goods.

- b. Concession trailers: a vending unit which is pulled by a motorized unit and has no power to move on its own.

Non-refrigerated shall mean edible goods that are not required to be kept at a temperature below 41 degrees Fahrenheit.

Sec. 22-19. Application and Permit.

Permit. Every mobile food vendor shall have a permit issued by the city to conduct business in the city.

Application. Every mobile food vendor shall apply for a permit on a form promulgated by the city. Each vending unit requires a separate permit. Applications for permits meeting the requirements for mobile vendors shall be processed within ten (10) business days.

Mobile Food Vendor Application Form. A complete application shall require the following information from the applicant to be considered:

- a. Name of applicant; as well as physical street address; mailing address; telephone number(s); and email address
- b. Legal name of business or entity.
- c. Signed permission form or provide notarized affidavit from the private property owner granting permission for unit placement.
- d. Name, phone number and driver's license number of business owner and all employees operating within the mobile food vendor unit.
- e. Proposed itinerary with route, vending locations and times.
- f. Contact name and phone number for mobile food vending unit while in route.
- g. Description of product being sold.
- h. Site plan where the Mobile food vending unit will be located on the property.
- i. Valid and current vehicle/trailer registration of mobile food unit.

Sec. 22-20. Permit Regulations.

The application fee for a mobile food vendor permit shall be \$200.00. Each mobile food vendor unit shall be permitted separately.

Mobile food vendor permits shall expire on December 31st of each year.

Mobile food vendors shall provide, at their expense, and keep in force during the term of its contract, with a responsible insurance company or companies authorized to do business in the state, commercial general liability insurance in the amount of at least \$1,000,000. The mobile food vendor shall deliver certificates of such insurance to the City at the time of application.

Mobile food vendors shall provide proof of a State of Maine Health certificate at the time of application.

Upon renewal the applicant shall pay the renewal \$200.00 fee, and update any changes in the permitting documentation upon permit renewal. The applicant must submit the application and the renewal fee within 30 days before expiration of the permit or must reapply as a new applicant.

The City Manager is authorized to make reasonable rules and regulations, not inconsistent with this Section, governing the design, construction and location of pushcarts or food trucks.

Display of Permit. Every permit, including those from the city, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor's truck or concession trailer.

Sec. 22-21. Permit Denial.

A permit may be denied where:

- (1) The required information is incomplete or incorrect or shows that a person is not otherwise entitled to conduct business as a mobile food vendor.
- (2) The opportunity to issue a permit has been denied due to previous violations as described in this section.

Sec. 22-21.a. Prohibited Conduct.

1. Distance Regulations:

- a. No mobile food vendor shall conduct business within any single-family residential or agricultural zoning district unless otherwise approved in writing by the Code Enforcement Officer.
- b. A mobile food vendor may not be located within 100 feet of the primary entrance of an open and operating fixed-location food service or eating establishment except during city sponsored or other community events.
- c. A mobile food vendor shall not be located within 40 feet from another mobile food vendor except during city sponsored or other community events.

2. A mobile food vendor shall not conduct sales at a stationary location:

- a. For a duration exceeding sixty (60) minutes on any public street or public streets adjacent to public parks and recreational facilities, next to fire lanes and no-parking designated areas. Mobile vendors parking on public streets may not move to a new location without prior approval from the City.
- b. In congested areas where the operation impedes vehicular or pedestrian traffic.
- c. Between the hours of 1:00 a.m. and 6:00 a.m.

3. Offenses and regulations

- a. It shall be unlawful for any individual as the agent or employee of another regulated under this section to sell edible goods in the city unless it's principal or employer has received a permit under this section.
- b. A permit issued under this section is not transferable.
- c. It shall be unlawful for an individual to sell edible goods while displaying a valid permit issued by the city in the name of another individual, organization, or entity.
- d. It shall be unlawful for any individual directly or through an agent or employee to sell goods within the corporate limits of the city after the expiration of the permit issued by the city under this section.
- e. It shall be unlawful for an individual directly or through an agent or employee to misrepresent on the permit affidavit any acts that are regulated under this section.
- f. It shall be unlawful for any individual directly or through his agents or employees to represent that the issuance of a permit by the city constitutes the city's endorsement or approval of the product for sale.

Sec. 22-21.b. Mobile Food Vendor Requirements.

The following regulations shall apply to mobile food vendors:

- a. Each unit shall be equipped with a portable trash receptacle, and shall be responsible for proper disposal of solid waste and waste water in the sanitation facility legally accessed by the food service establishment. All disturbed areas must be cleaned

following each stop to a minimum 20 feet of the sales location.

- b. Mobile food vendor may not have a drive through.
- c. Continuous music or repetitive sounds shall not project from the mobile unit.
- d. A five-foot clear space shall be maintained around the mobile food vending unit.
- e. All mobile units shall have a gray water holding tank.
- f. The mobile unit will be subject to inspection upon permit application through the code enforcement, health department and the fire department, and may be subject to random inspection and upon reissuance of the permit.
- g. No sales are allowed within public park facilities while park concession units are operating. Mobile units operating in public parks and on streets adjacent to public parks or recreational facilities requires approval by the City's Recreation Director.

Motion by Councilor McCurry, seconded by Councilor Foley to remove the ordinance from the table.

Vote: Unanimous.

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

Vote: Unanimous.

2018.18 IN BOARD OF CITY COUNCIL....MARCH 6, 2018

BE IT ORDERED, that the City Manager be authorized to sign a unit cost contract with D and C Construction Company of Waterboro, Maine/Rockland Mass for the construction of the Lincoln Street Wall Rehabilitation Project as per the bids opened on February 27, 2018, in the bid amount of \$471,683.00, funding for this work to be provided in part from the MDOT BPI grant received by the City with the required City match amount from City TIF account.

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NOTE: Both the Finance Committee and the Capital Projects will review this item at their March 6, 2018 meeting.

This Order addressed City Goal #2018-37

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

Vote: Unanimous.

2018.23 IN BOARD OF CITY COUNCIL....MARCH 6, 2018

BE IT ORDERED, that the City Manager be authorized to sign a contract with HEB Engineers of Bridgton Maine for the design and preparation of construction documents for the Main Street Sidewalk Improvement Project Phase 2 as per the RFP proposal submitted and opened on March 1, 2018, in the amount of \$30,349, funding for this work to be provided from the CDBG program.

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NOTE: Both the Finance Committee and the Capital Projects will review this item at their March 6, 2018 meeting.

This Order addresses City Goal #2018-37

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

Vote: Unanimous.

2018.19 IN BOARD OF CITY COUNCIL..MARCH 6, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to proceed with a conceptual plan for a Capital Campaign Fundraiser for City Theater and City Hall Improvements; and to come back to the City Council with the final details of said conceptual plan.

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

Vote: Unanimous.

2018.20

IN BOARD OF CITY COUNCIL....MARCH 6, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby authorize the City Manager to proceed with design of a public parking structure in accordance with the agreement signed with Desman Design Management of Boston, MA (DESMAN) under Order 2017.25.

BE IT FURTHER ORDERED, that authorization to proceed is contingent upon site selection, designated by the Biddeford City Council under separate Order.

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

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

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

Motion carries.

2018.21

IN BOARD OF CITY COUNCIL...MARCH 6, 2018

BE IT ORDERED, that the City Council of the City of Biddeford does hereby identify Map 71, Lot 2, the so-called Lincoln Street site in Biddeford, Maine as the designated location for construction of a public parking structure.

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

Councilor McCurry called a point of order: the location needs to be identified before discussion or a vote can be taken.

Motion by Councilor Ready, seconded by Councilor Foley to identify the Lincoln Street site (Map 71, Lot 2) as the location for the parking garage.

Vote: 6/3; Councilors McCurry, Seaver and Quattrone opposed.

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

Motion carries.

2018.22

IN BOARD OF CITY COUNCIL...MARCH 6, 2018

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 North Dam Mill, LLC, substantially in the form as presented, for the development of the North Dam Mill.

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

Vote: 6/3; Councilors Lessard, Quattrone and McCurry opposed.

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

Motion carries.

Appointment:

IN BOARD OF CITY COUNCIL...MARCH 6, 2018

ORDERED, that I, Alan M. Casavant, Mayor of the City of Biddeford, do hereby appoint:

**Richard Rhames
10 West Loop Road
Ward 3**

to the *Conservation Commission*, to replace Casey Elmer (who has resigned), for a term to expire in December 2021.

Motion by Councilor Ready, seconded by Councilor Foley to confirm the appointment.

Vote: Unanimous.

City Manager Report:

City Manager, James Bennett gave an overview of the proposed FY19 Budget, as prepared by the City Department Heads; as well as policy decisions that have been identified with this budget and will need to be discussion and resolved.

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

A few citizens addressed their concerns and comments to the Council.

Other Business:

Councilor Lessard: expressed his appreciation for all the work that City Staff does, including their attendance at committee and Council evening meetings.

Councilor Lessard went on to say how extremely pleased he is that the City Council actually considered, voted on and approved an issue that had been discussed for so many years. He is proud of the work that this Council has done thus far.

As a final comment, Councilor Lessard cautioned folks to be careful in the upcoming snowstorm.

Councilor Quattrone: announced that the *Finding Pieces Camp* for children with Autism will have its second season this summer. This year's camp will take nine children and will be held in rooms at the J. Richard Martin Community Center.

Councilor Swanton: agrees with one of tonight's public speakers that signs and directions should be posted within City Hall and on outside doors to direct folks to the Council Chambers on nights when public meetings are held. He also agrees that, overall, the City's outreach could be better; however, he is not sure that Facebook is the right social medium to accomplish this.

Councilor Foley: echoed Councilor Lessard's comments and was also pleased with how the discourse among the Council and the public went during the parking garage discussion.

Councilor Foley pre-emptively thanked the Public Works Crew for all their efforts with the upcoming snow storm.

Council President Addressing the Council: Councilor McCurry noted that he has looked into the legality of installing parking management structures in the city-owned parking lots and found that it would not be in violation of the parking meter referendum of 2014. City Solicitor, Keith Jacques confirmed this by stating that the referendum addressed parking meters in the downtown and not in parking lots.

Councilor McCurry thanked all who came out to tonight's meeting and expressed their concerns about a parking garage. He is glad that the City did end up taking a vote on this issue tonight and is moving forward.

As a point of information, Councilor McCurry stated that the budget season is now upon us, and he's confident this will generate some healthy debates!

Finally, he announced and congratulated the Biddeford High School Boys' Hockey Team who won Regionals in their game tonight and will play in the State Championship game this coming Saturday.

Mayor Addressing the Council: Mayor Casavant thanked all those who worked on the parking garage issue to this point, and is pleased that it is moving forward.

Mayor Casavant announced that the newly formed Biddeford Cultural Committee is currently seeking nominees for a Biddeford Hall of Fame. He encouraged folks to submit an application.

Mayor Casavant informed the Council and public that Councilor Foley is now the Chair of the Community Center Review Committee.

As a final comment, Mayor Casavant said that he would like the Council to tackle the idea of social media and using it to keep the public informed. He suggested that the City even look into hiring a full time staff member to manage the City's social media and distribution of public information.

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

Vote: Unanimous.

Time: 8:50 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

