

COUNCIL MEETING

February 21, 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: William Emhiser, Norman Belanger, Scott Whiting, Martin Grohman, Bobby Mills, Doris Ortiz, Liam LaFountain and Marc Lessard were present.
Julian Schlaver was excused.

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

Adjustment to the Agenda:

MRS 405(6)(D) – Labor Negotiations – ADDED

Vote to Designate Maine Service Center Coalition Representative - ADDED

CIP Presentation Part II – REMOVED

Vote to Designate Maine Service Center Coalition Representative

Motion made by Councilor Lessard, seconded by Councilor Mills to allow Jim Bennett the City Manager to serve as the Maine Service Center Coalition Representative.

Vote: Unanimous

Motion Passes

Presentation:

CIP Presentation Part II - REMOVED

Preferred Employer Presentation – Human Resource Director Diana Depaolo gave the preferred Employer Presentation. That presentation can be viewed on the City of Biddeford's website through the video link.

Public Addressing the Council: One person from the public addressed the Council.

Consideration of Minutes: **February 7, 2023**

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

Vote: Unanimous

Motion Passes

Orders of the Day:

2023.13) Approval/Acceptance of the Bid for Granite Point Culvert

2023.13 IN BOARD OF CITY COUNCIL...February 21, 2023

BE IT ORDERED, that the City Manager or his designee be authorized to accept the unit price bid by Gorham Sand and Gravel, Inc. of Buxton, Maine in the bid amount of \$ 477,724.70 for the construction of the Granite Point Road Replacement Culvert Project.

Sec. 6-10 Affordable Housing Trust Fund

- (a) Creation and purpose. The affordable housing trust fund ("AHTF") is created for the following purposes:
1. The primary purpose of the AHTF is to provide financial resources to address the affordable housing needs of individuals and families who live or work in the City by promoting, preserving and producing quality long term affordable housing; providing housing related services to low and moderate Income Households; and providing support for non-profit and for profit organizations that actively address the Affordable Housing needs of low and moderate Income households.
 2. The AHTF is intended to provide flexible local funding that complements other funding for housing related activities and provides gap financing to move challenging projects forward. In this regard, the Fund will leverage other public, private and philanthropic funding.
- (b) Administration of program. Under the direction of the City Manager, the Planning & Development Department (P&DD) shall be responsible for the administration of the AHTF, except for fiscal handling of funds, which shall be consistent with all other financial affairs of the City, unless otherwise so specified.
- (c) Annual review of goals of AHTF.
1. The City Council shall initially establish the goals of the fund. Once adopted, the City Council shall annually review the adopted goals and may amend the goals from time to time to address any affordable housing goals adopted by the City.
 2. The City Council may delegate to an existing public Board, Committee or Commission of the City, or create a new public body by amending this ordinance, to make goal recommendations to the City Council.
- (d) Applications and awards. The P&DD shall be responsible for developing and updating an application and evaluation process for the use of the AHTF. Up to five percent annually of the AHTF may be utilized for administrative expenses to manage applications, reporting, and compliance, including the hiring of additional staff.
1. Applications shall be accepted on at least annual basis, with projects reviewed as part of a competitive annual RFP process. All projects shall submit proposals to be reviewed during the annual process.
 2. The application evaluation criteria shall prioritize projects that maximize the following:
 - i. Total number of months of affordability, with longer periods of guaranteed affordability given higher priority; and
 - ii. Affordability threshold, with higher priority for projects as established by the annual goals. Said goals shall be expressed based on the percentage of area median family income (AMFI);
 - iii. Number of affordable units created per AHTF dollar invested; and Projects may be given a higher priority which include a higher percentage of units suitable for families (two or more bedrooms) as established by the annual goals;

- iv. Social housing opportunities may be given higher priorities such as cooperatives, community land trusts, and other options that allow for long-term community affordability.
- (e) Funding allocation minimums. As part of the annual goal setting process for use of the funds, a minimum funding allocation may be established in determining awards to applicants, based on the following categories:
 1. For use in affordable rental preservation, at or below 80 percent AMFI.
 2. For affordable rental creation, at or below 80 percent AMFI
 3. To create/support dedicated transitional housing and permanent supportive housing for the homeless; and
 4. For use for homeownership support programs and/or retention programs for residents at income levels below 120 percent AMFI. Programs that provide a path for resident tenants to transition to ownership shall be eligible.
- (f) Maximum awards.
 1. The maximum award given to for-profit developers is 20 percent of the development cost (loan) or ten percent for a grant.
 2. The maximum award given to non-profit developers is 30 percent of the development cost (loan) or 15 percent for a grant.
- (g) Affordability requirement. All units using AHTF funds to support, preserve, or create such units shall be kept affordable for at least 30 years in accordance with the following definition: "Affordable housing shall be defined as housing that a household having income at or below eighty percent (80%) of the HUD Area Median Family Income ("AMFI") for all households within the City of Biddeford would be able to afford if it were to expend not more than thirty percent (30%) of such income for the mortgage or rent, including utilities."
 1. Funds may be deployed in projects that include market rate units, solely for an eligible use.
 2. Awards may be made in the form of a grant, low or zero-interest loan.
 3. All funded projects must be started within one year of when award recipient receives a fully executed funding contract agreement with the city; or else award recipient must promptly return all received AHTF funds to the city. An applicant may request a one year extension.
 4. Federal affordable housing funds administered by the housing and community development department shall also be allocated through the AHTF application and review process.
- (h) City council. Once applications are evaluated, AHTF recommendations shall be presented to the city council, which may accept, reject or adjust recommendations. In no case shall AHTF funding be provided to any project which did not submit an application through the designated application process.
- (i) Annual report to council. The P&DD shall provide a written annual report to council and the city manager, which includes the following information:
 1. Number of applications received and funded;

2. Descriptions of the funded projects; including location, rental rates of units, and percent of units at each AMFI level;
 3. Number of units funded (total units and at various income levels) and unit sizes;
 4. Total cost to residents based on subsidy, commuting time and utilities;
 5. Cost per unit created/preserved;
 6. Average timeline for the unit to become available once funded;
 7. Remaining years of affordability for previously funded units (averages and totals);
 8. Percentage of awards that go to non-profit/community organizations vs. commercial developers; and
 9. Recommendations for change to future application processes, guidelines and program governance.
- (j) Revenues. The Biddeford City Council shall determine the sources and amounts of funds that will be designated to the AHTE. Said designation may be done in any legal form allowable and within their authority, including but not limited to ordinance, order, appropriation and others allowable.
1. Unless otherwise restricted or regulated, all grants, donations and such funding for the specific purposes of affordable housing shall be designated into the AFHT.

Note: This order is provided to allow the public an opportunity to review and offer comment on the preliminary draft of the Affordable Housing ordinance. The City Council may also wish to go into Committee-of-the-Whole to discuss the draft and provide the City Manager with further guidance.

Motion made by Councilor LaFountain, seconded by Councilor Mills to allow discussion on the model ordinance.

Motion made by Councilor Mills, seconded by Councilor Lessard to table this item until a Council Workshop can be scheduled determined by the Mayor and Council President.

Vote: Unanimous

Motion Passes

2023.15) Approval/Amend 2020 Council Housing Goals

2023.15 IN BOARD OF CITY COUNCIL. FEBRUARY 21, 2023

BE IT RESOLVED, that the City Council of the City of Biddeford does hereby reaffirm the November 10, 2020 housing goals, namely:

- Increase homeownership within the community from 48% to 51% by January 1, 2026;
- Support to create at least two hundred (200) ‘next home’ opportunities by January 1, 2026 (a ‘next home’ refers to a home that provides for more space to accommodate a growing family);

- Support to create at least two hundred (200) first time homeownerships opportunities, meaning that they are affordable to households between 80% to 120% of median income;
- Support to create or preserve ninety (90) units of affordable rental units per year for five years, with half of the units targeted to serve the 40% to 80% median income community and a desired goal of having at least half the units being created by new construction;
- Rehabilitate at least sixty-five (65) rental units per year for the next three years so that the units are healthy homes and lead free/

BE IT FURTHER RESOLVED, that the City Council does hereby modify the above goals as follows:

- Support to create or preserve one hundred eighty (180) units of affordable rental units per year for five years (2023 to 2028) for a total of nine hundred (900) units, with half of the units targeted to serve the 40% to 80% median income community and a desired goal of having at least half the units being created by new construction;

BE IT FURTHER RESOLVED, that the City Council does hereby support to create an additional housing goal:

- The overall community percentage goal of affordable rental units shall be 12.5% of all rental units by 2028.

Motion made by Councilor Mills, seconded by Councilor Whiting to reaffirm the November 10, 2020 housing goals.

Vote: Unanimous

Motion Passes as Amended

Motion made by Councilor Lessard, seconded by Councilor Mills to amend the 2020 housing goals to ADD Support to in front of where the housing goals reads create.

Vote: 6:2

Motion Passes: Councilors Belanger, Emhiser, LaFountain, Mills, Otiz and Lessard in favor. Councilors Whiting and Grohman opposed.

Committee-of-the-Whole: The Initial Discussions about AHTEF IZ Recommendation

Motion to begin Committee-of-the-Whole made by Councilor Belanger, seconded by Councilor Whiting

Vote: Unanimous

Time: 7:44 p.m.

Motion to end Committee-of-the-Whole made by Councilor Emhiser, seconded by Councilor Mills

Vote: Unanimous

Time: 8:23 p.m.

Public Addressing: One person from the public addressed the Council.

City Manager report: City Manager Jim Bennett did not have a report

Other Business: Councilor Lessard addressed a topic that Richard Rhames talked about during the Public Addressing the Council. Councilor Lessard says that he and the City Manager had a conversation about a month ago, in that for housing one of the things that should be looked at is trying to figure out the bell curve on how many students are needed within the school system to maximize the amount of State Revenue Sharing that Biddeford gets. So that Biddeford doesn't find itself in the same situation like Scarborough and Gorham where they over billed, they brought in too many students and over populated their schools and now they are having trouble keeping up with taxes and need large tax increases each year. He goes on to say that there is a point in the bell curve of exactly how many houses are needed, of what size, to have what size families that are coming to the City of Biddeford so we can be most efficient and maximize the State Revenue Sharing. This may help direct us in correct way to maximize Revenue Sharing for the City.

Councilor LaFountain had two items he wanted to address to the Council. The first item is that May Street still continues to be an issue for both pedestrian safety and traffic calming. Councilor LaFountain went on to say that they did make some progress at the Policy Meeting a few months ago to discuss some potential short-term solutions. They got a good over view from the Public Works Department, Planning Department and Engineering to understand there are some long-term commitments on that street but those are happening in 2026 and beyond. What he is looking for from staff is some estimates on the short-term solutions that they discussed at Policy that they can implement in this up-coming budget cycle, that can be in there for 2023 and for at least the next three years before we have a more long-term solution. He's hoping to see these ahead of the budget cycle or potentially included in the CIP Presentation. Secondly, Councilor LaFountain wanted the Council to reflect on two weeks ago, the Clifford Park eminent domain, that they met regarding and enacted. One thing he would like going forward is that if they are going to be acting in a capacity that is unfamiliar to some on the Council, per say a Quasi-Judicial Hearing and they are going to be follow procedures that are not their Council procedures, he'd like to know ahead of time, hopefully when the agenda's posted that they would get information about that. Also, that the Council would get written rules of whatever the procedures are. He believes that would enable the Council to make better decisions for the community and that they are knowledgeable of what they are doing.

Council President Addressing the Council: Council President Norman Belanger thanks the Council. He says the discussion they had today, to him, exemplifies what makes it tolerable to be on this Council, is that people are very respectful to each other's decisions even though when they don't agree. Councilor Belanger says every time they have these types of discussions, he walks away feeling better about the Council and the community because of the Council's ability to have discussions like that. He wanted to thank his fellow Councilor for the ability to do that.

Mayor Addressing the Council: Mayor Alan Casavant commented on the WinterFest and how it was a huge success, largest crowd ever. He commented on Councilor Whiting going down the sledding hill. He wanted to thank Delilah Poupore for her hard work getting this together. He also wanted to thank Brian Dunphe, Larry Patoine, Justin Sweeney and Joe McKenney who are the core group that has a lot to do with pulling the WinterFest off. He wanted to thank the guys that build the sledding hill. He says if you've ever driven by to watch them build it, it's just

amazing what they pull off and incredibly talented at what they do. He goes on to thank Peter's Construction and Excavation, Thyng Paving, Phil Labbe Excavation, Dee Quality Foundations and Builder's Supply who all took a part in building the sledding hill and they have been doing it every year for the past 10-11 years. He also thanks the New Life Church. Mayor Casavant says without all these people volunteering their time WinterFest wouldn't be possible. He wanted to publically thank them all because what they do is extraordinary

Executive Session:

MRS 405(6)(D) – Labor Negotiations

Motion made by Councilor Belanger to enter into Executive Session, seconded by Councilor Whiting

Vote: Unanimous

Motion Passes

Time: 8:35 p.m.

Motion made by Councilor Lessard to come out of Executive Session, seconded by Councilor Grohman

Vote: Unanimous

Motion Passes

Time: 9:13 p.m.

Adjourn:

Motion made by Councilor Lessard to adjourn, seconded by Councilor Grohman

Vote: Unanimous

Motion Passes

Time: 9:13 p.m.