

**COUNCIL MEETING
FEBRUARY 7, 2017**

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., Bob Mills, Norman Belanger, Marc Lessard

Michael Ready and Laura Seaver were excused.

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

There were no adjustments to the agenda.

*Public Hearing: **Liquor License – Cowbell Hospitality, LLC dba Arcade Bar Biddeford***

The Chair opened the Public Hearing at 6:00 p.m.

There were no public comments.

The Public Hearing was closed at 6:00 p.m.

Liquor License: Cowbell Hospitality, LLC dba Arcade Bar Biddeford

Motion by Councilor McCurry, seconded by Councilor Quattrone to recommend the issuance of the State liquor license to Cowbell Hospitality, LLC dba Arcade Bar Biddeford.

Vote: Unanimous.

Consideration of Minutes: **January 17, 2017**

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

Vote: Unanimous.

Second Reading:

{For a copy of the ordinance amendment and the first reading, see the council meeting minutes of January 17, 2017.}

2017.7) Amendment/Ch. 22, Businesses/Sec. 22-26-Taxicabs, motorbuses, public automobiles and motor vehicles for hire/Inspection of taxicabs

Motion by Councilor Swanton, seconded by Councilor Quattrone to grant the second reading of the ordinance amendment.

Vote: 5/2; Councilors Mills and McCurry opposed.

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

Motion carries.

Orders of the Day:

2017.10

IN BOARD OF CITY COUNCIL..FEBRUARY 7, 2017

BE IT ORDERED, that the City Council of the City of Biddeford does here by adopt the following Resolution:

Whereas, natural and man-made disasters may occur at any time, we recognize that to lessen the impacts of these disasters we will save resources, property and lives in York County; and

Whereas the creation of a Hazard Mitigation Plan is necessary for the development of a risk assessment and effective mitigation strategy; and

Whereas, the 26 towns and 3 cities of York County are committed to the mitigation goals and measures as presented in this plan;

Now Therefore, the City of Biddeford hereby adopts the 2015 York County Hazard Mitigation Plan.

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

Vote: Unanimous.

2017.11 IN BOARD OF CITY COUNCIL ... FEBRUARY 7, 2017

BE IT ORDERED, That the City Council hereby endorses and supports the submission of an application to PACTS for transportation funding including pursuing Design & Construction funding for the Elm, Spruce, and Pearl Streets Intersections Redesign/Reconfiguration Project for inclusion in the MDOT/PACTS 2020-2021 BTIP.

This endorsement allows the project to be further considered and included to receive a more detailed engineering review of the conditions present. Such Council endorsement of this project at this time does not commit the City to provide their local share of costs but rather is a statement that the council supports this potential project.

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

Vote: Unanimous.

2017.12 IN BOARD OF CITY COUNCIL..FEBRUARY 7, 2017

BE IT ORDAINED, by the City Council of the City of Biddeford that the Code of Ordinances, **Chapter 34, ENVIRONMENT**, is amended by adding **ARTICLE VII, DOWNTOWN ANTI-BLIGHT, Section 34-550, et al.** to read as follows:

ARTICLE VII - DOWNTOWN ANTI-BLIGHT

Sec. 34-550. Title.

This article shall be known as the "City of Biddeford Downtown Anti-Blight Ordinance."

Sec. 34-551. Policy.

It is hereby found and declared that the existence of blighted premises in the Downtown of Biddeford will adversely affect property values and development within the Downtown and threatens the health, safety, general welfare and economic well-being of its residents and commercial interests. It is further found that blighted properties can be rehabilitated,

reconstructed, demolished and/or reused so as to provide decent, safe and sanitary housing and/or commercial use, and that such rehabilitation, reconstruction, demolition and/or reuse would assist to eliminate, remedy and prevent the adverse conditions described above.

Sec. 34-552. Purpose.

The purpose of this ordinance is:

- (a) To define, prohibit and abate blighted premises;
- (b) To protect, preserve and promote public health, safety, general welfare and economic well-being; and
- (c) To preserve and protect property values and promote development within the Downtown and the City of Biddeford.

Sec. 34-553. Prohibition Against Creating or Maintaining Blighted Premises.

No owner, agent, tenant or person in control of real property located in the Downtown of the City of Biddeford shall allow, create, maintain, cause to be created or maintained, or allow to exist any blighted premises.

Sec. 34-552. Definitions.

As used in this article, the following terms shall have the meanings indicated:

BLIGHTED PREMISES - Any building, structure, premises or any part of a structure that is a separate unit, in which any of the following or any combination of the following conditions exist (the following list is illustrative, not exhaustive):

- (a) It is a substantial factor causing obvious depreciation to property values in the Downtown;
- (b) It is not being maintained and/or has been unoccupied for at least ninety 90 days and contributes to Downtown decay/blight as evidenced by the existence of one (1) or more of the following conditions in ordinary public view:
 - 1. Missing or boarded windows or doors;
 - 2. Collapsing or missing walls, roof or floor;
 - 3. Seriously damaged or missing siding of four (4) square feet or more;
 - 4. Buildings in need of painting or sealing;
 - 5. Fire damages;
 - 6. A structurally faulty foundation or foundations; and/or
 - 7. Physical hazards, rodent harborage and infestation, garbage, or trash;
- (c) It is a factor creating a substantial and unreasonable interference with the reasonable and lawful use and enjoyment of other space within the building or of other premises within the Downtown as documented by neighborhood complaints.

DILAPIDATED - Shall mean a building or structure or part thereof, that would not qualify for a Certificate of Occupancy if applied for, or which is deemed an unsafe structure as defined by the State Building Code, and any dwelling or unit which is designated as unfit for human habitation as defined in the State Building Code and/or the Code of Ordinances of the City of Biddeford.

DOWNTOWN - An area encompassed by the Zoning District identified as MSRD-1.

ORDINARY PUBLIC VIEW - The view available, from private or public property or public rights-of-way, from average grade surrounding the property.

PERSON - Any man, woman, family, corporation, or other legal entity capable of owning or possessing real property.

PREMISES - any lot or part thereof or parcel or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon, or any part thereof. The term “premises”, where the context requires, shall be deemed to include any buildings, dwellings, parcels, land or structures contained within the scope of this Ordinance.

STRUCTURE - Anything built for the support, shelter, or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, including decks, stacks, satellite dishes, and antennas, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors, as well as sidewalks, driveways, parking lots, and field or garden walls or embankment retaining walls.

UNIT - Shall mean any space within a building that is or can be rented by or to a single person or entity for its sole use, and is intended to be a single and distinct space.

UNOCCUPIED - Shall mean a period of ninety (90) days or longer during which a building or structure or part thereof, or land is not legally occupied as documented by the Code Enforcement Office.

Sec. 34-553. Applicability.

This Ordinance applies to all premises within the City of Biddeford Downtown as defined above.

Sec. 34-554. Responsibility for Compliance.

Any person owning Premises subject to this ordinance or legally responsible for maintaining the Premises, including the agents thereof, shall be jointly and severally obligated to comply with the provisions of this ordinance and subject to the penalties for violation hereof.

Sec.34-555. Complaints.

Complaints may be submitted to the Code Enforcement Officer and/or their designee, and must be in writing and signed and dated by the complainant.

Sec. 34-556. Enforcement.

- (a) The Code Enforcement Officer is charged with the enforcement of this Ordinance. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance and any rules or regulations promulgated under this Ordinance. The Code Enforcement Officer shall order any person who violates this Ordinance to abate such violation within

two (2) years unless such a violation is considered an immediate threat to the health, safety, and general welfare of the public in which case such abatement shall be conducted within an acceptable timeframe as determined by the Code Enforcement Officer.

- (b) The Code Enforcement Officer shall be hereby authorized and empowered to issue Notices of Violations for violations of this Ordinance. Notices of Violation shall be sent to the property owner and/or the person responsible for maintaining the Premises, and if the Notice of Violation is a result of a complaint pursuant to Sec. 34-555, shall also be sent to the complainant. Such notices shall be sent by Certified Mail or delivered in person and shall include the following:
- a. A description of the violation(s) of this Ordinance.
 - b. An outline of the process by which the property owner and/or the person responsible for maintaining the Premises can determine what remedial actions are recommended by the Biddeford Historic Preservation Commission;
 - c. A description of the remedial action(s) which, if taken, would affect the compliance with the provisions of this Ordinance;
 - d. A date by which the violation(s) must be corrected in order to avoid penalty and enforcement pursuant to this Ordinance;
 - e. A statement that the penalties and enforcement provisions of this Ordinance will take effect the day after the compliance date if compliance has not been accomplished.
 - f. A statement that outlines the appeals process afforded through this Ordinance.
- (c) Historic Preservation Commission review is required for all properties receiving a Notice of Violation pursuant to the Ordinance. The Historic Preservation Commission shall review all proposed remedial actions and shall issue a Certificate of Appropriateness only once it is satisfied with what is proposed. Further, additional recommendations for improvements in order to abate violations of this Ordinance may be included in such a Certificate of Appropriateness and may be included as conditions to the required abatement at the discretion of the Code Enforcement Officer.

Sec. 34-557. Violations and Penalties

- (a) Action upon Non-compliance: Any owner, person responsible for maintaining the Premises, or agent of a blighted premises who fails to abate any such blight commits a civil violation pursuant to City of Biddeford Code of Ordinances, Chapter 1 (General Provisions), Sec. 1-12 (General penalty for violation of Code; continuing violations).
- (b) Conference Granted to Owner or Agent: Any owner or agent who receives a Notice of Violation issued pursuant to Section 34-556 above, shall upon request, be granted a conference with the official(s) who issued the Notice of Violation as soon as practicable. A request for a conference shall in no way stay the abatement order. However, a hearing request made pursuant to Section 34-558 herein shall stay an abatement order.

Sec. 34-558. Hearing and Appeal Procedure for Notices of Violation.

- (a) Any person notified in accordance with Section 34-556 may appeal the Notice of Violation(s) within thirty (30) days to the Biddeford Zoning Board of Appeals as an Administrative Appeal as outlined in Article IX of the Biddeford Land Development Regulations.

(b) Any appeals shall be heard by the Biddeford Zoning Board of Appeals at its next earliest available scheduled meeting.

Sec. 34-559. Severability.

If any provision of this Article is declared unconstitutional or held invalid, it shall not affect any other section, clause, or provision thereof, but the same shall remain in full force and effect.

Motion by Councilor Mills, seconded by Councilor Lessard to grant the first reading of the ordinance amendment.

Vote: 6/1; Councilor Swanton opposed.

Councilors McCurry, St. Cyr, Quattrone, Mills, Belanger and Lessard in favor.

Motion carries.

2017.13

IN BOARD OF CITY COUNCIL...FEBRUARY 7, 2017

BE IT ORDERED THAT:

WHEREAS, on April 5, 2016, the City Council implemented a six (6) month moratorium on the establishment of any new medical marijuana dispensaries and/or growing facilities within the City; and

WHEREAS, the City Council extended the moratorium through March 20, 2017; and

WHEREAS, the City Council on January 17, 2017, amended the Code of Ordinances to enact certain land use regulations applicable to the location, development and regulation of medical marijuana dispensaries and growing facilities within the City effective February 16, 2017.

NOW, THEREFORE, be it ordered that the moratorium on the establishment of any new medical marijuana dispensaries and/or growing facilities adopted on April 5, 2016 and extended through May 20, 2017 is hereby rescinded effective February 16, 2017.

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

Vote: 6/1; Councilor Lessard opposed.

Councilors Swanton, McCurry, St. Cyr, Quattrone, Mills and Belanger in favor.

Motion carries.

2017.14

IN BOARD OF CITY COUNCIL..FEBRUARY 7, 2017

BE IT ORDERED, that the City Council of the City of Biddeford does hereby adopt the **2017 Work Plan**.

NOTE: The 2017 Work Plan is on file in the City Clerk's Office and on the City's website.

Motion by Councilor Mills, seconded by Councilor Lessard to adopt the 2017 Work Plan.

Vote: Unanimous.

Appointments:

IN BOARD OF CITY COUNCIL...FEBRUARY 7, 2017

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

re-appoint:

Carmen J. Morris
City Clerk

as *Biddeford's Voter Registrar* for the State required two-year term; with a term to expire January 2019.

Motion by Councilor McCurry, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 7, 2017

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

Stephen St. Cyr
City Councilor

as a General Assistance Fair Hearing Officer for the City of Biddeford.

Motion by Councilor Swanton, seconded by Councilor McCurry to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 7, 2017

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

Margo Alley
6 Market Street
Saco, ME

to the *Biddeford Housing Authority* with a term to expire December 2021.

NOTE: Margo Alley now lives in Saco, but since the Biddeford Housing Authority is now officially also the Housing Authority for Saco, HUD wants us to try to have one person from Saco on the Housing Authority. Ms. Alley previously lived in Biddeford back in 2013 when first appointed.

Motion by Councilor McCurry, seconded by Councilor Lessard to confirm the appointment.
Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 7, 2017

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

Kenneth Pendleton
25 Harding Street
Ward 4

to the *Biddeford Fire Advisory Committee (BFAC)*, for an initial term to expire in

December 2018.

Motion by Councilor Mills, seconded by Councilor Lessard to confirm the appointment.

Vote: Unanimous.

City Manager Report:

City Manager, James Bennett explained that most of the residents who currently receive the homestead exemption on their property taxes have received a letter from the City explaining the Governor's proposal to eliminate the homestead exemption for homeowners under the age of 65. Contact information for the State Delegation was provided and citizens are encouraged to contact them to let them know they're not in favor of such a plan. The City has asked that citizens over the age of 65 come into the Assessor's Office to provide proof of their age, in case this proposal is passed.

Public Addressing the Council...(3 minute limit per speaker)

There were no public comments.

Mayor Casavant explained the new format for Public Addressing the Council: each speaker will have 3 minutes to make their comments; 30 minutes will be allotted for this portion of the meeting; the restrictions spelled out in the Rules of the Council on what are acceptable comments during this portion of the meeting will be strictly adhered to.

Other Business:

Councilor Lessard: noted that about a month ago, there was a council discussion on where Biddeford rates in relation to other Maine communities in regards to tax rates. He has asked that this information be available during the budget process. Councilor McCurry weighed in and asked that information on what percentage of other communities' budgets make up personnel costs and other costs also be provided.

Council President Addressing the Council: Councilor McCurry thanked Mayor Casavant and all the volunteers who made this past weekend's WinterFest a success. He also thanked all those who worked to make the Cheers from the Heart cheering event at the Biddeford High School a success over the weekend – from all the volunteers to the children who participated.

Mayor Addressing the Council: Mayor Casavant gave his State of the City Address. A copy of his Address is on file in the City Clerk's Office and is posted on the City's website.

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

Vote: Unanimous.

Time: 6:46 p.m.

Attest by: _____
Carmen J. Morris, City Clerk

