

**COUNCIL MEETING
FEBRUARY 5, 2019**

Mayor Casavant called the meeting to order at 6:00 p.m.

Roll Call: Michael Swanton, John McCurry, Jr., Stephen St. Cyr, Amy Clearwater, Norman Belanger, Laura Seaver, Marc Lessard

Robert Quattrone, Jr. and Michael Ready were excused.

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

Adjustment to the Agenda:

- Add Appointment: Charles Drapeau...Biddeford Fire Advisory Committee

Presentation: Polco – Polling Software

Communications Coordinator, Danica Lamontagne gave an overview of Polco, which is a polling/survey software that the City has recently instituted. One of the biggest advantages to Polco is that folks can weigh in on certain topics anonymously and do not have to be concerned with having to justify their position or deal with any criticism for their opinions. Any information that is gathered by Polco cannot be FOAA requested, as all respondent information is protected and kept private.

Consideration of Minutes: **January 15, 2019; January 28, 2019**

Motion by Councilor McCurry, seconded by Councilor Clearwater 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 January 15, 2019}

2019.2) Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-62-Identification and Use of Municipal Parking Lots/Change Timed Parking in Downtown (Yellow) Parking Lot

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

Vote: Unanimous.

Orders of the Day:

2019.5

IN BOARD OF CITY COUNCIL...FEBRUARY 5, 2019

BE IT ORDAINED, by the Downtown Committee of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article III, Parking Stopping and Standing, **Section 42-62 Identification and Use of Municipal Parking Lots**, is amended by adding or ~~deleting~~ to read as follows:

Sec. 42-62. Identification and use of municipal parking lots.

Downtown Parking Lot, also known as the Yellow Lot, refers to the City public parking lot located at 17 — 21 Franklin Street and further described as Map 38, Lots 389 and 390.

The lot shall be reserved for hourly permit-only parking with the first two hours ~~of any 24-hour day at no charge;~~ **for any vehicle of any calendar day,** at no charge.

Two spaces which shall be posted and clearly marked as handicap parking.

NOTE: The Downtown Committee considered this item at their January 10, 2019 meeting and voted to refer the matter to the full Council for review, and with the Committee's recommendation for approval.

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

Motion by Councilor Belanger, seconded by Councilor Clearwater to amend the ordinance by re-

wording the proposed amendment as follows:

*The lot shall be reserved for hourly permit-only parking with the first **two hours for any vehicle of any calendar day**, at no charge.*

Vote on amendment: Unanimous.

Vote on ordinance, as amended: 6/1; Councilor Seaver opposed.

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

Motion carries.

2019.6 **IN BOARD OF CITY COUNCIL..FEBRUARY 5, 2019**
BE IT ORDERED, that the City Council does hereby direct the Planning Board to conduct a Public Hearing and make recommendations to the City Council regarding proposed amendments to the Zoning Ordinance as outlined below.

Part III (Land Development Regulations), Article III (Official Zoning Map), is amended to rezone the area depicted on the attached map from R-2 to MSRD-2.

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

Vote: Unanimous.

2019.7 **IN BOARD OF CITY COUNCIL... FEBRUARY 5, 2019**
MORATORIUM ORDINANCE ON DOWNTOWN PARKING
REQUIREMENT WAIVERS

BE IT ORDAINED: that the City of Biddeford, Maine hereby extends the following Moratorium Ordinance on the Granting of any Future Downtown Parking Waivers:

WHEREAS, the City of Biddeford is currently working on a formal Parking Management Program; and

WHEREAS, the Biddeford City Council has directed City staff to prepare a Parking Management Program for the City Council's study and review; and

WHEREAS, over the past six months, Staff has provided proposed parking ordinances for the Parking Management Program to the City Council and the public for review; and

WHEREAS, the City Council anticipates that after further discussion and deliberation, the Biddeford City Council will finalize the adoption of a Parking Management Program; and

WHEREAS, Section 49 of the Performance Standards of the Biddeford Land Use Ordinance allows the Biddeford Planning Board to waive parking requirements at the request of an applicant under certain circumstances; and

WHEREAS, the City Council needs more time to review the parking waiver provisions as they relate to any future Parking Management Program; and

WHEREAS, a moratorium is necessary to prevent the potential overburdening of public parking while the Parking Management Program is being implemented; and

WHEREAS, it is anticipated that a study, review, and development of a final Parking Management Program will take at least another one hundred eighty (180) days from the date the City re-enacts this Moratorium on the waiver of parking requirements;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Biddeford, that the following Moratorium Ordinance on the Waiver of Downtown Parking Requirements be, and hereby is, enacted, and, in furtherance thereof, the City Council does hereby declare a Moratorium on the Waiver of Downtown Parking Requirements within the City. This Moratorium Ordinance shall be effective as of February 5, 2019, in accordance with the provisions of the City Charter and Code of Ordinances. The Moratorium shall remain in effect for one hundred eight (180) days from the date of the implementation of this Ordinance, unless extended, repealed, or modified by the City Council. Provided, however, that upon the City

Council's adoption of a Parking Management Program, this Moratorium shall automatically be repealed.

BE IT FURTHER ORDAINED, that during the period this Moratorium Ordinance is in effect, no officer, official, employee, office, administrative board or agency of the City shall accept, process, approve, deny, or in any other way act upon a request to waive the downtown parking requirements contained in the Biddeford Land Use Ordinances; and

BE IT FURTHER ORDAINED, that those provisions of the City's current Code of Ordinances that are inconsistent or conflicting with the provisions of this Moratorium, are hereby repealed to the extent that they are applicable for the duration of this Moratorium, and as it may be extended as permitted by law, but not otherwise; and

BE IT FURTHER ORDAINED, that should any section or provision of this Ordinance be declared by any Court of competent jurisdiction to be invalid, such a declaration shall not invalidate any other section or provision.

Motion by Councilor McCurry, seconded by Councilor Seaver to grant the first reading of the moratorium.

Motion by Councilor McCurry, seconded by Councilor Lessard to amend the moratorium by omitting the MSRD-2 zone in order to accommodate the transitional housing project application proposed for on Green Street, which is currently being considered by the Planning Board; and further, that all parking waivers shall come to the Council for approval upon Planning Board recommendation.

Motion was withdrawn.

Motion by Councilor McCurry, seconded by Councilor Lessard to amend the moratorium by omitting the MSRD-2 zone in order to accommodate the transitional housing project application proposed for on Green Street, which is currently being considered by the Planning Board.

Vote: Unanimous.

Motion by Councilor McCurry, seconded by Councilor Lessard to further amend the moratorium to include that all parking waivers shall come to the Council for approval upon Planning Board recommendation.

Vote: 5/2; Councilors Belanger and Swanton opposed.

Councilors McCurry, St. Cyr, Clearwater, Seaver and Lessard in favor.

Amendment carries.

Vote on moratorium, as amended: 5/2; Councilors Belanger and Swanton opposed.

Councilors McCurry, St. Cyr, Clearwater, Seaver and Lessard in favor.

Motion carries.

2019.8

IN BOARD OF CITY COUNCIL...FEBRUARY 5, 2019

BE IT ORDERED, that the City Manager is authorized to enter into a long term Lease Purchase Agreement whereby the City shall lease 2 Water Street (Liberty Park) to Tale Wind LLC, owners of the adjacent 12 Water Street property. The Lease Purchase Agreement shall provide for the following annual lease payments:

Year 1 – no lease payment
Years 2-11 - \$2,500.00 annually
Years 12-21 - \$7,500.00 annually

The Lease Purchase Agreement also shall provide that after the completion of Year 2 of the Lease and each year thereafter, Tale Wind LLC shall have the option to purchase 2 Water Street for the purchase price of \$100,000.00 less all annual lease payments previously received by the City.

The Lease and Tale Wind LLC's option to purchase 2 Water Street shall be conditioned upon Tale Wind LLC retaining at its expense the landscape architectural design firm Richardson & Associates to redesign the 2 Water Street space and the new public space to be created by the improvements to the Water Street/Main Street intersection. Tale Wind LLC shall complete at is

expense the redesign improvements to 2 Water Street and shall incur all costs of maintaining 2 Water Street. The City shall complete at its expense the design improvements for the new public space following the completion of the Water Street intersection work.

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

Vote: 6/1; Councilor St. Cyr opposed.

Councilors Swanton, McCurry, Clearwater, Belanger, Seaver and Lessard in favor.

Motion carries.

Appointments:

IN BOARD OF CITY COUNCIL...FEBRUARY 5, 2019

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

**Charles Drapeau
8 Cherryfield Avenue
Ward 3**

to the *Biddeford Fire Advisory Committee*, replacing Raymond Moreau, for a term to expire in December 2020.

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

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 5, 2019

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

**Jon Phillips
51 High Street, #2
Ward 2**

to the *Downtown Development Commission*, for a term to expire in December 2021.

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

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 5, 2019

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

**Brittany Saliwanchik
22 Fox Farm Road
Ward 1**

to the *Downtown Development Committee* with a term to expire December 2021.

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

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 5, 2019

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

**Randall Desmarais
5 Old Town Road
Ward 3**

to the *Harbor Commission*, for a term to expire in December 2021.

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

Vote: Unanimous.

IN BOARD OF CITY COUNCIL...FEBRUARY 5, 2019

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

Joseph McKenney
125 West Street
Ward 3

to the *Recreation Commission* with a term to expire December 2023.

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

IN BOARD OF CITY COUNCIL...FEBRUARY 5, 2019

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

Richard “Chico” Potvin
150 Guinea Road
Ward 1

to the *Solid Waste Management Commission*, for a term to expire in December 2021.

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

Maine Service Center Coalition:

Motion by Councilor McCurry, seconded by Councilor Lessard to nominate City Manager, James Bennett as Biddeford’s Maine Service Center Coalition Representative and to further nominate Chief Operating Officer, Brian Phinney as Biddeford’s Alternate Representative.
Vote: Unanimous.

Public Addressing the Council...(5 minute limit per speaker; 30 minute total time limit):
There were no public comments.

City Manager Report:

City Manager, James Bennett had a couple of items:

- (1) Staff met earlier on this day to work out the details of the Main/Hill/Water Streets re-alignment. The goal is to get the project out to bid this year and get the work started by next Fall.
- (2) During the next planning phase of the RiverWalk, Staff will be seeking public input on what to do with the green space adjacent to the river.

Other Business:

Councilor Swanton: noticed that the new LED light conversion has begun, and he thinks it looks good.

He then asked if the budget documents are going to be provided in a digital format again this year; and noted that he prefers the electronic version to an actual printed budget book.

Councilor Clearwater: thanked everyone who was involved with putting together such a fantastic WinterFest event.

She noted that two new appointments were made the Downtown Development Commission at this meeting, which is great. She also noted that the DDC has been trying to seek clarification on exactly what their duties and responsibilities are as a commission. She hopes this clarification can be offered by the City soon.

Lastly, she thanked the City’s Communications Coordinator, Danica Lamontagne for her presentation at this meeting on Polco; and she further encouraged folks to use the Polco software.

Councilor Lessard: explained that the reason why he made all the seconding motions on the numerous appointments on tonight’s agenda was to make it easier on the City Clerk to take notes.

Council President Addressing the Council: Councilor McCurry also thanked all who were involved with this year's WinterFest.

He noted that the Public Works Department did a great job during the last snow storm with both plowing and dealing with the parking ban.

He is looking forward to receiving and reviewing both the City and School FY20 budgets.

Lastly, he wished the Biddeford High School Cheerleaders good luck in the upcoming State competition..

Mayor Addressing the Council: Mayor Casavant exclaimed that WinterFest was a blast! Both shows that were held in the City Theater were wonderful, with comedian Juston McKenney selling out. The Chamber of Commerce event held in Shevenell Park as a fundraiser for Tom Bull, owner of Dirigo Brewing was well attended. He sincerely thanked all the volunteers, including those from New Life Church for all they did and their contributions to WinterFest.

He suggested that the DDC and the Council should meet to talk about what the DDC should be focusing on, and if there are certain issues/items that can be delegated to this commission.

He expressed how glad he is that people are looking to Biddeford as a place to come back or home to – to live and work!

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

Vote: Unanimous.

Time: 7:11 p.m.

Attest by: _____
Carmen J. Morris, City Clerk