

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the December 18, 2006 Council Meeting.

- I. CALL TO ORDER -** On Monday, December 18, 2006 at 7:00 p.m. a Council Meeting was held in the City Hall Conference Room.

- II. ROLL CALL OF MEMBERS -** Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith, Jr. Ronald Morton, Roland Michaud, Arthur Tardif and Eric Cote and Christopher Jacques.

Mr. Richard R. Michaud, City Administrator and Lucette S. Pellerin, City Clerk were also in attendance this evening.

III. PLEDGE OF ALLEGIANCE

III. APPROVAL OF MINUTES:

10/16/2006; 10/30/2006; 11/06/2006; 11/13/2006 18/04/2006

Council Minutes for the above dates were approved as printed.

V. GENERAL:

VII. CONSENT AGENDA ITEMS:

A. Approval of Transfer of Assets

Be it Ordered that the City Council does hereby approve, with reference to Superior Court Docket #05-308, of the transfer of the Defendant(s) in Rem, namely \$5,221, or any portion thereof, pursuant to 15 M.R.S.A. §5822(4)(A).

B. CDBG Pleasant, Temple, and Green Streets

Be it Ordered that the City Council approve the submittal of a CDBG Public Infrastructure grant application for drainage and sewer work and associated road reconstruction on Green, Temple, Pleasant and Pearl Streets; and be it further ordered to appropriate \$246,800 to provide the match for the CDBG sewer and drainage project, and to appropriate \$692,300 for the related street and sidewalk work, all from the capital improvements fund account, #10670/500910/08101.

C. Pine Tree Zone Advisory Committee Resolution

Be it ordered that the City Council approve the Steering Committee Resolution to improve administration of the Pine Tree Zones.

D. Solid Waste Permit Renewal – Waste Management of Maine

Be it ordered that the City Council approve the renewal of the Solid Waste Permit for Pine Tree Waste, for a period of one year.

E. Solid Waste Permit Renewal – Troiano Waste Services, Inc.

Be it ordered that the City Council approve the renewal of the Solid Waste Permit for Troiano Waste Services, Inc., for a period of one year.

F. Solid Waste Permit Renewal – Pine Tree Waste

Be it ordered that the City Council approve the renewal of the Solid Waste Permit for Pine Tree Waste, for a period of one year.

G. Confirm the Mayor's Appoint to Recreation Advisory Board: Jean Shore-Cabral

Be it ordered that the City Council confirm the Mayor's appointment of Jean Shore-Cabral to the Recreation Advisory Board, for a term of 3 years to expire on June 30, 2009.

Councilor Cote moved, Councilor Tripp seconded, to approved the Consent Agenda. Further move to approve the order. The motion passed with seven (7) yeas.

VI. AGENDA ITEMS:

A. (Public Hearing) Proposed Conveyance of a Portion of City Owned Property off Gooch Street

Pursuant to procedure stated in City Code Chapter 81, City Property, Article I, Section 81-2: "If the Council has an interest in selling a City-owned property, it shall conduct a public hearing on the request to sell before any decision is taken to sell".

Written notice has been mailed to all property owners within 200 feet of the perimeter of the subject parcel, at least 10 days in advance of the public hearing, and an advertisement was placed in the newspaper of general circulation at least 7 days before the hearing.

On November 21, 2006, the Planning Board held a public hearing with regard to the proposed conveyance of a portion of Tax Map 37, Lot 8 off Gooch Street. The

Board voted unanimously to forward a positive recommendation to the City Council.

Councilor Jacques moved, Councilor Smith seconded, to open the Public Hearing on the Proposed Sale of a 3.8-acre portion of Tax Map 37, Lot 8 off Gooch Street. The motion passed with seven (7) yeas.

Residents of 110 Main Street spoke of concerns pertaining to access to the parking area.

MAIN MOTION: Councilor Jacques moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council authorize the negotiated sale of City owned land identified on Tax Map 37, Lot 8, on the southerly side of Gooch Street and .1 acre right-of-way area adjacent thereto, as provided by in Chapter 81, Article I, §81-2. and such sale shall be subject to Purchaser's completion of its purchase of adjoining property from Cutts Island Group. Should Purchaser fail to acquire the adjoining property, This Agreement shall be terminated and the deposit, plus interest, shall be returned to Purchases. Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative

AMENDMENT TO MAIN MOTION: Councilor Cote moved, Councilor Tripp seconded, that the order be subject to negotiating with the purchasers and the Saco Condo Association to reach an agreement. The motion failed with three (3) yeas and four (4) nays. Councilors Tripp, Smith, Morton and Michaud voted in the negative.

B. (Public Hearing) Zoning Ordinance Amendment - §707-3.6 – Signs for Non profits

Following the Council's September 2006 approval of amendments to sign standards for Route One north of I-195, staff in consultation with Sign Committee Chairman Bill Johnson and Councilors Ron Michaud and Ron Morton have surveyed the need for further amendments for other areas of the City. The single identified need is to allow non-profit organizations to erect temporary signs for events such as holiday fairs, church suppers and the like. The proposed language would allow certain temporary signs to be placed on the premises of a non-profit organization up to two weeks prior to an event, to be removed the day after the event, with restrictions as to type and size of signs.

On November 21, 2006, the Planning Board considered these proposals, and made a positive recommendation for passage of the proposed amendment.

Councilor Morton moved, Councilor Michaud seconded, to open the Public Hearing on the 'Amendment to Zoning Ordinance Section 707-3.6, Signs, in the document dated November 27, 2006'. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Morton moved, Councilor Smith seconded, to close the Public Hearing on the ‘Amendment to Zoning Ordinance Section 707-3.6, Signs’, in the document dated November 27, 2006, and Be it Ordered that the City Council schedule the Second and Final Reading for January 2, 2007. Further move to approve the Order. The motion passed with seven (7) yeas.

C. **(Public Hearing)** Zoning Ordinance Amendment - §729.B – Design Review HPD

As written, the Zoning Ordinance requires design review by both the Planning Board and the Historic Preservation Commission for certain projects in the Historic Preservation District (HPD). The proposed amendment would exempt properties within the HPD from design review conducted by the Planning Board.

Section 413. Historic Preservation includes its own provisions for design review. There is a good deal of similarity between these standards and those found in 729.E. Design Standards. Staff is satisfied that the Historic Review Commission adequately reviews properties within the HPD for design, and that a single round of design review will adequately address this issue for the City. Those projects within the HPD subject to site plan or conditional use review would continue to be subject to Planning Board review, but the proposed amendment would end the required design review conducted by the Board.

On November 21, 2006, the Planning Board considered the proposed amendment, and voted to forward a positive recommendation for the amendment as drafted.

Councilor Jacques moved, Councilor Tripp seconded, to open the Public Hearing on the proposed ‘Amendment to Zoning Ordinance § 729.B. Design Standards, dated November 27, 2006’. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Jacques moved, Councilor Smith seconded, to close the Public Hearing on the proposed ‘Amendment to Zoning Ordinance § 729.B. Design Standards, dated November 27, 2006’, and Be it Ordered that the City Council set the Second and Final Reading for January 2, 2007”. Further move to approve the Order. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

ITEMS D AND E WERE CONSIDERED AS ONE

D. **(Public Hearing)** Taxicab Business License Renewal – Twin City Taxi

Twin City Taxi, Inc. has applied for their business license to be renewed for a term of one year.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with Chapter 195 - Taxicabs, Subsection 195-3. License required and Subsection 195-4. Application for taxicab business license.

E. **(Public Hearing)** Taxicab Business License Renewal – Radiowave, Inc.

Radiowave, Inc. has applied for their business license to be renewed for a term of one year.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with Chapter 195 - Taxicabs, Subsection 195-3. License required and Subsection 195-4. Application for taxicab business license.

Councilor Cote moved, Councilor Morton seconded, to open the Public Hearing on the Taxicab License Renewal for Radiowave, Inc. and Twin City Taxi, Inc. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Cote moved, Councilor Morton seconded, to close the Public Hearing and Be it Ordered that the City Council grant the renewal of the Taxi Business License for Radiowave, Inc. and Twin City Taxi, Inc. for a term of one year. Further move to approve the order. The motion passed with seven (7) yeas.

F. Endorsement of the Brookings Institute Report

The report titled, “Charting Maine’s Future - An Action Plan for Promoting Sustainable Prosperity and Quality Places” prepared by the Brookings Institution advocates for Maine innovation and investment to adequately construct sustainable prosperity and slim government to make that possible and defines a Maine style for effectively managing development.

The report is ultimately optimistic about Maine’s ability to take the actions it needs to take to usher in a more prosperous, sustainable, and ultimately more equitable future.

Councilor Michaud moved, Councilor Tripp seconded, to table the matter. The motion passed with seven (7) yeas.

VIII. Councilor Michaud moved, Councilor Tripp seconded, that it be Ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter 1, § 405(6)(A) move into EXECUTIVE SESSION to discuss Confirming the Mayor's Appointment of City Administrator. The motion passed with seven (7) yeas. TIME: 9:25 p.m.

Report from Executive Session

Councilor Michaud moved, Councilor Smith seconded to come out of executive session at 9:48 p.m.

Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: David Tripp, Leslie Smith, Jr. Ronald Morton, Roland Michaud, Arthur Tardif and Eric Cote and Christopher Jacques.

Councilor Morton moved, Councilor Tripp seconded, that it be Ordered that the City Council confirm the Mayor's appointment of Richard R. Michaud as City Administrator, and authorize the Mayor to sign the two-year employment agreement beginning July 1, 2007 through June 30, 2009 with a 5% increase in wages for 2007 and a 5% increase in 2008. The motion passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

IX. ADJOURNMENT

Councilor Michaud moved, Councilor Smith seconded to adjourn. TIME: 9:48 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk