

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the April 23, 2007 City Council Minutes.

CALL TO ORDER – On Monday, April 23, 2007, at 7:00 p.m, a Council Meeting was held in the City Hall Auditorium.

ROLL CALL OF MEMBERS – Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilor present: David Tripp, Leslie Smith, Jr. Ronald Morton, Roland Michaud and Eric Cote. Councilors Arthur Tardif and Christopher Jacques were not present.

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

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Minutes were not presented this evening.

AGENDA ITEMS

- Resolution: Building Inspection Week
- Resolution: Emergency Response – April 5, 2007
- Resolution: Declare Saco a Zero Waste Community
- Resolution: A Family for Me – Adoption through DHHS

Councilor Michaud moved, Councilor Smith seconded, to endorse the four (4) Proclamations. The motion passed with five (5) yeas.

(Public Hearing) Code Amendment Permit Parking

Councilor Tripp moved, Councilor Michaud seconded, to open the public hearing. The motion passed with five (5) yeas.

There being no comments from the public Councilor Tripp moved, Councilor Smith seconded, to close the public hearing and schedule the Second and Final Reading of the document titled, “Code Amendment to Chapter 211, Article VIII dated March 5,

2007”, for April 30, 2007. Further move to approve the Order. The motion passed with five (5) yeas.

(Public Hearing) Zoning Ordinance Amendment – Traffic Standards

Worsening traffic conditions, inconsistencies among city ordinances and regulations, inconsistency with state regulations and national engineering standards, concerns about inequities in mitigation fees are among the reasons the staff initiated a review of traffic standards in the zoning ordinance and subdivision regulations.

Traffic Engineer Diane Morabito of Maine Traffic Services worked with City Engineer Ron Kiene, City Planner Bob Hamblen, Development Director Peter Morelli and the Planning Board to redraft the standards. The proposed zoning ordinance amendments, now recommended to the Council by the Planning Board, would make the following changes:

- the study area of a traffic report is now better defined,
- sight distance requirements have been revised to be consistent with Maine DOT and AASHTO standards,
- visual obstructions along driveways such as landscaping have been prohibited for a distance of 25 feet from the street; this is proposed to be reduced to 15 feet,
- required off-site improvements would be addressed under proposed additions to both site plan and subdivision sections, thereby providing authority to the Board to require off-site improvements, authority that is currently lacking,
- new language as to ‘corner clearance,’ which clarifies the required distance between and intersection and a proposed curb cut.

The Planning Board would adopt similar language as part of the subdivision regulations after the Council acts on the zoning amendments.

The proposed amendments to the Zoning Ordinance are attached in the document entitled “Proposed zoning ordinance amendments related to traffic March 21, 2007.”

“Zoning Ordinance Amendment – Traffic Standards Dated March 26, 2007”

(New language is underlined, while ~~striketrough~~ represents language to be deleted).

Section 708-3 Parking Design Criteria

4) Visual Obstructions and Internal Walkways: All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 15 ~~25~~ feet measured along the intersecting driveway ~~and street lines~~ in order to provide the required ~~sight distance~~ for visibility for entering and leaving vehicles.

However, a sign may be located within fifteen (15) feet of a public right of way, but shall be either below three (3) feet or above ten (10) feet in height from the average ground level (see Section 707-1.5).

Continuous internal walkways shall be provided from the public sidewalk to the principal customer entrance of all principal buildings on the site if the street has or will have a sidewalk. Walkways shall connect focal points of pedestrian activity such as, but not limited to, street crossings, and building and store entry points. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable surface materials such as pavers, bricks, or scored concrete or painted treatments to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

709-2. SIGHT DISTANCE - Any exit driveway serving five or more parking spaces shall be so designed as to provide the following recommended exiting sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle, a distance of 10' behind the edge of traveled way from a height of eye 3 ½ feet to an object 3 ½ feet above the pavement. The Planning Board shall give preference to the recommended sight distance rather than the minimum. However, where the driveway is moved to the optimum position on the lot, and the Planning Board determines that an adequate level of traffic safety has been attained, the Planning Board may permit less than the recommended distance in the following table.

Allowable Speed (miles per hour)	Recommended Distance (feet)	Minimum Required Distance (feet)
20	294 225	206 200
25	368 280	257 250
30	441 335	309 300
35	515 390	360 350
40	588 445	412 400
45	662 500	463 450
50	735 555	515 500
55	809 610	566 550

~~However, where the driveway is moved to the optimum position on the lot, and the Planning Board determines that an adequate level of traffic safety has been attained, the Planning Board may permit less than the minimum required exiting sight distances in the above table. (Amended 3/2/92)~~

709-5. CORNER CLEARANCE FOR DRIVEWAYS.

Corner clearance is the minimum distance, measured parallel to a roadway, between the nearest curb, pavement or shoulder line of an intersecting public way and the nearest edge of a driveway entrance or exit, excluding its radii. The recommended corner clearance for entrances for unsignalized intersections is 100' with a minimum of 50'. The

recommended corner clearance for signalized intersections is 125' with a minimum of 75'.

709-6 IMPLEMENTATION OF OFF-SITE TRAFFIC IMPROVEMENTS.

When improvements to roads or intersections within the study area are required as part of a condition of approval of a site plan, conditional use, or other permit, these improvements must be implemented prior to occupancy of the development except where the following occurs:

1) Maine Department of Transportation Impact Fee is applied.

- a. Impact fee payment. The applicant has paid or will pay an impact fee to MaineDOT for future improvements; and
- b. Impact Fee Use. The impact fee will be used to make the required improvements by Maine DOT; and
- c. Improvement Plan Approval. The improvement plan has been reviewed and approved for implementation by the City and Maine DOT; and
- d. Schedule. The improvements are scheduled for implementation within three years of the initial occupancy of the development; OR

2) City of Saco Traffic Mitigation Fee is applied.

The City may impose traffic mitigation fees on projects in addition to and/or in lieu of actual improvements;

The City may impose traffic mitigation fees on the project for their impact on substandard intersections or roadways; OR

3) Where Improvements are to be implemented by Maine DOT or the City of Saco. The applicant demonstrates that the necessary traffic improvements have been identified by the Maine DOT or the City of Saco as improvements which will be implemented; OR

4. Where Monitoring will be performed by the applicant. The applicant will be responsible for monitoring safety and/or traffic conditions. The approval conditions may also make the applicant responsible for implementation of improvements if the specified monitoring conditions are met.

Article 901-4 STANDARDS FOR A CONDITIONAL USE PERMIT.

15. The use will not cause unreasonable safety hazards for pedestrians, cyclists, and operators of motor vehicles and will not result in a decrease in level of service below LOS D at study area intersections or the project driveway during the design hour. (Levels of service are defined by the latest addition of the *Highway Capacity Manual*, published

by the Transportation Research Board. The design hour is defined as the 30th highest hour of the year for the intersection.) However, (1) at signalized intersections where the level of service is already below LOS D; or (2) at signalized intersections predicted to drop below LOS D where physical improvements cannot be made to attain LOS D, or, (3) at unsignalized intersections, where physical improvements cannot be made to improve the level of service to LOS D and provided that warrants for a traffic signal are not met, or signal installation is not desirable; the Board may approve the application if it finds that an adequate level of safety can be attained through imposing conditions of approval such as upgrades in signalization, one-way driveways, prohibiting certain turning movements, construction of turning lanes, sidewalks, bicycle paths, or other improvements, or through a program of Transportation Demand Management measures.

Section 1104-1. Submission Requirements

15. An estimate of the amount and type of traffic generated daily and at peak hours. For sites that generate more than four hundred (400) one-way vehicle trips per day, a traffic impact analysis, prepared by a licensed professional engineer with experience in traffic engineering and transportation, shall be submitted. The study area should extend, at a minimum, to intersections where traffic attributable to the subdivision equals or exceeds 35 vehicles in a lane in a peak hour. The analysis shall show, at a minimum, (1) existing traffic volumes, (2) proposed traffic generation, (3) proposed access, (4) types of vehicles expected, (5) effect on level of service within the study area, (6) sight lines, and (7) accident history in the study area. The report will recommend improvements both on site and off site to meet the requirements of this ordinance.

Section 1106. Approval Criteria.

17. TRAFFIC CONDITIONS

The use will not cause unreasonable safety hazards on public roads and will not result in a decrease in level of service below LOS D at intersections. The Board may consider a lower level of service at unsignalized intersections provided further physical improvements cannot be made to improve the level of service and provided that warrants for a traffic signal are not met, or signal installation is not desirable. ~~In its evaluation the Board may also consider turning restrictions such as one-way driveways and prohibiting certain turning movements, and design solutions. For intersections with levels of service below D, the Board may require as a condition of approval that traffic improvements be undertaken.~~

and the Board finds that adequate provisions for safety can be attained through imposing conditions of approval such as one-way driveways, restrictions such as one-way driveways and prohibiting certain turning movements, construction of turning lanes, sidewalks, bicycle paths, or other improvements, payment of a Traffic Mitigation Fee, or through a program of Transportation Demand Management measures.

Councilor Morton moved, Councilor Michaud seconded, to open the public hearing. The motion passed with five (5) yeas.

There being no comments from the public Councilor Morton moved, Councilor Smith seconded, to close the public hearing and schedule the Second and Final Reading of

the document titled, "Zoning Ordinance Amendment – Traffic Standards, dated March 26, 2007" for April 30, 2007. Further move to approve the Order. The motion passed with five (5) yeas.

Consent Agenda:

A. (Second & Final Reading) Code Amendment Chapter 60 Ambulance Service

Saco Rescue fee schedule, dated March 5, 2007

Annually in January the ambulance fee schedule is adjusted for inflation approximately 3% increases based on current 2007 New England Ambulance Fee Schedule

Code	Description	current fee	proposed fee	increase
A0429	Basic Life Emergency	\$280.00	\$332.44	\$52.44
A0426	Advanced Life Support non-emergency	\$225.00	\$249.33	\$24.33
A0427	Advanced Life I	\$350.00	\$394.78	\$44.78
A0433	Advanced Life II	\$500.00	\$571.39	\$71.39
A0434	Advanced Life Special Care	\$575.00	\$675.27	\$100.27

The Saco Rescue service does not use a laundry list for additional charges such as oxygen, Heart Monitor, I.V., Defib, or intubation. All costs are included in the appropriate base cost meeting Medicare billing requirements.

To approve the Second and Final Reading of the document titled, "Code Amendment to Chapter 60 Ambulance Service § 60-2, Fee Schedule, dated March 5, 2007;

C. Amendment to the Strategic Plan

To adopt the document titled, "City of Saco Strategic Plan – Amended April 2007;

D. (First Reading) Code Amendment – Chapter 69 Bicycles & Skateboards

Code Amendment to Chapter 69-9, BICYCLES, SKATEBOARDS AND ROLLER SKATES

April 2, 2007

(Please note that language to be deleted is represented by ~~strikethrough~~, while new language is underlined).

§ 69-9. Violations and penalties.

The following penalties shall apply for a violation of this article:

- A. ~~Persons over 17 years.~~ Adults. If a person is ~~over 17 years of age~~ an adult, he/she may be issued a citation for court by the officer. The amount of the fine will be left to the discretion of the court. His/her bicycle or skateboard should also be impounded if continued operation would result in violation.
- B. ~~Persons under 17 years~~ Minors. If the person is ~~under 17 years of age~~ a minor, the bicycle or skateboard ~~shall~~ may be impounded for five days (first offense), 10 days (second offense) or 30 days (any other offense). Any person charged with a violation of this article may request a hearing with the Chief of Police, or in his or her absence, the Deputy Chief ~~Department Juvenile officer~~. Such hearing will be on the next working day.
- C. Inspection prior to release. The Chief of Police will require all bicycles to be inspected before their release and proper action taken.
- D. Safety classes. The Chief of Police may require any person who commits any bicycle or skateboard offense, whether it be of this city, county or state, to attend a special class of bicycle or skateboard safety.
- E. Repeat offenders. If a fourth offense and every offense thereafter occur, in addition to impounding the bicycle or skateboard, a fee shall be established by the City Council after a public hearing to release the bicycle or skateboard. **Editor's Note: Copies of the current fee schedule are on file in the office of the City Clerk.** If the fee is not paid within three months, the bicycle or skateboard will become property of the Saco Police Department and can be disposed of with the rest of the bicycles or skateboards that are unclaimed.

Approve the First Reading of the document titled, "Code Amendment to Chapter 69-9, "BICYCLES, SKATEBOARDS AND ROLLER SKATES", dated April 2, 2007', and further move to schedule the Public Hearing for May 7, 2007;

E. Fire Department Energy Conservation Improvements

The Fire Department is seeking approval for 4 energy conservation projects.

- They are:
- 1. Insulated glass covering skylight in Central \$2,440
 - 2. Replace Modine heater in rear apparatus area \$2,625
 - 3. Replace Camp Ellis furnace and balance heat \$8,000
 - 4. Vending miser for Pepsi machine at Central Station \$200

To authorize the Fire Department to spend \$13,265 to complete 4 energy conservation projects;

F. CDBG Grant – Pleasant, Temple, Green, Phase II

To adopt the resolution entitled “Pleasant, Temple, Green and Pearl Street CDBG Public Infrastructure Grant’ and further authorize the Council to execute related grant forms and to adopt the policy entitled, “Residential Anti-displacement & Relocation Assistance Plan;

G. Confirm Appointment to the Dyer Library

To confirm the Mayor’s appointment of Councilor Ron Michaud to the Dyer Library Association Board of Trustees for a 2-year term to expire in January 2009;

H. Confirm Appointment and Reappointment to the Coastal Water Commission

To confirm the Mayor’s reappointment of Robert Barris as a full member of the Saco Coastal Water Commission, to a full 3-year term to expire May 7, 2010, and to confirm the appointment of Thomas Casamassa to a full 3-year term to expire on May 7, 2010.

Councilor Smith moved, Councilor Morton seconded to approve items A, C, D, E, F, G and H. The motion passed with five (5) yeas.

Councilor Michaud requested that Item B be considered alone.

Councilor Tardif arrived at 7:23 p.m.

B. (Second & Final Reading) Contract Zone Amendment – Acapella

To approve the Second and Final Reading of the contract zone document entitled “Contract Zone Agreement by and Between Acapello Salons, Inc., and the City of Saco,” dated November 1, 2005, amended June 6, 2006 and February 6, 2007;

Councilor Cote moved, Councilor Smith seconded, to approve Item B. The motion passed with four (4) yeas and one (1) nay. Councilor Michaud voted in the negative.

Recess & Reconvene for Workshop

Councilor Michaud moved, Councilor Smith seconded, to recess. The motion passed with six (6) yeas. TIME: 7:27 P.M.

Recess & Reconvene for Conclusion of City Council Meeting

Councilor Michaud moved, Councilor Smith seconded that it be ordered that the City Council, Pursuant to M.R.S.A. Chapter 13, Subchapter 1, §405 (6) (E) move to enter into Executive Session to discuss:
MERC – Pending litigation

The motion passed with six (6) yeas. Time: 9:41 p.m.

Report from Executive Session:

Councilor Michaud moved, Councilor Smith seconded, to come out of executive session.

The motion passed with six (6) yeas. TIME: 10:26 p.m.

Upon return from the executive session Mayor Johnston conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilor present: David Tripp, Leslie Smith, Jr. Ronald Morton, Roland Michaud, Arthur Tardif and Eric Cote. Councilor Christopher Jacques was not present.

Mayor Johnston stated that no action was taken regarding the executive session.

ADJOURNMENT

Councilor Smith moved, Councilor Tripp seconded, to adjourn. The motion passed with six (6) yeas. TIME: 10:26 p.m.

ATTEST: _____

Lucette S. Pellerin, City Clerk