The following are minutes of the July 21, 2008 Council Meeting.

I. CALL TO ORDER – On Monday, July 21, 2008, at 7:03 p.m. a Councilor Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: Leslie Smith, Jr., Ronald Morton, Sandra Bastille, Eric Cote and Marston Lovell. Absent at this time were Margaret Mills and Arthur Tardif.

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

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

V. APPROVAL OF MINUTES: June 2, 2008; June 16, 2008

Minutes of the June 2, 2008 and June 16, 2008 Council Meetings were accepted as printed.

Councilor Margaret Mills arrived at 7:05 p.m.

VI. AGENDA ITEMS:

A. (Public Hearing) Community Development Block Grant – Application Housing Planning Grant

The Council’s Housing Committee has been meeting since February 2008, to explore ways to increase housing opportunities in Saco. The committee has reviewed housing data and housing techniques, met with several housing providers, met with developers and reviewed some of Saco’s policies. The Committee (Councilor’s Cote, Morton, Tardif) and staff would like to seek a CDBG Planning Grant of $8,000 to prepare a housing assessment and housing plan for the City.

The Planning Grant would prepare a housing plan for the city that would help non-profit housing agencies qualify to receive funding for housing in Saco. It would also help the city as it begins data gathering for a new comprehensive plan, by funding data gathering for housing and demographics. The state’s Minimum Standards for Acceptable Housing Assessment Plan (attached) outlines the contents of a housing plan.

A public hearing is required before the submission of the grant. The state’s description of the planning grant program follows. A 25% match is required. A 50% match earns additional points toward approval. The $12,100 would be used for consulting services.

Community Planning Grant Program

Maximum grant award: $10,000
The Community Planning Grant Program (CPG) provides funding to communities or community partnerships that have clearly identified a local housing, community or economic development problem and lack the resources to develop a strategy for solving the problem. CPG funds may be used for planning only activities that include studies, analysis, data gathering, preparation of plans and maps, comprehensive planning and identification of actions that will implement plans. Engineering, architectural and design costs related to specific activities are not eligible.

Councilor Cote moved, Councilor Lovell seconded, to open the Public Hearing on Community Development Block Grant - Housing Community Planning Grant. The motion passed with six (6) yeas.

There being no comments from the public Councilor Cote moved, Councilor Lovell seconded, I move to close the Public Hearing and Be it Ordered that the City Council adopt the Resolution titled, ‘Resolution: Department of Economic and Community Development Block Grant Program’ - authorizing the application for a CDBG Community Planning Grant to undertake a housing assessment and plan for the City, and to authorize a match of $4100, from the Planning Department, Account 10452-500550, Comprehensive Plan, $2000., and Account 10452-500428, Contracted Services, $2100”. Further move to approve the Order. The motion passed with six (6) yeas.

RESOLUTION:
Department of Economic and Community Development Block Grant Program

Whereas the City of Saco wishes to apply to the Department of Economic and Community Development for a Community Development Block Grant Program award to carry out a community development program; and

Whereas the planning process required by Maine Law and the CDBG program has been compiled with, including participation in the planning process by low and moderate income families and individuals and the City has conducted at least one duly advertised public hearing; and

Whereas the Department of Economic and Community Development has established the Community Planning Grant Program;

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL that Richard Michaud it’s City Administrator is authorized and directed to submit a Community Development Block Grant application for the program designated above in the amount of up to $8,000 to the Department of Economic and Community Development on behalf of City of Saco; is authorized to expend $4,100 as a grant match; and is authorized to make such assurances on behalf of the City of Saco required as part of such application; and, is authorized and directed, upon acceptance of said funds to carry out the duties and responsibilities for implementing said program, consistent with the Charter of the City of Saco and regulations governing the planning and implementation of community development programs in the State of Maine.
Signed this 21st day of July 2008 on behalf of the City Council of Saco, Maine.

WITNESS: ___________________________  SIGNED: ___________________________

Title  Mayor Ron Michaud

PROGRAM GUIDANCE
Date: May 14, 2001
Subject: Minimum Standards for Acceptable Housing Assessment Plan

Introduction

This Program Guidance will serve to outline the minimum standards required by the Office of Community Development for defining acceptable housing strategies within a Housing Assessment Plan. These minimum standards apply to plans funded through a CDBG Housing Assessment Planning Grant (HAPG) and those developed independently.

The purpose of conducting a housing assessment is to take a careful, detailed look at all conditions effecting housing in a community or region. It is not intended to consist of a superficial look at a few perceived issues and lead to the identification of housing rehabilitation as the number one problem to be detailed in the housing strategy and prioritized for future Housing Assistance (HA) efforts. While OCD recognizes the great need for housing rehabilitation throughout the State of Maine, the HAPG program was conceived as a mechanism for assisting communities do a comprehensive study and consider all areas of housing needs. It is a vital process designed to allow communities to determine exactly what local housing needs are, prioritize those needs, and serve as a catalyst to set local policy and put into affect a local plan of action to address needs.

In developing sound strategies that make up the Housing Assessment Plan, each community should make use of a variety of tools in gathering and categorizing information. Examples of these tools include the housing section of the local Comprehensive Plan, municipal ordinances, local housing authority, municipal officials, planning board, code enforcement officer, Community Action Agencies, local contractors, Maine State Housing Authority - (of particular
note is MSHA’s publication The State of Maine’s Housing 1999), US Census Bureau, Maine State Planning Office, Department of Human Services, real estate brokers, landlords, regional institutions such as homeless shelters, transitional housing facilities, subsidized housing units, elderly/retirement complexes, health care facilities, lending institutions, local interviews, surveys and inspections. The tools listed here are not intended to be all-inclusive but to give a sound benchmark for obtaining and processing information. Each plan requires its own set of tools to create a complete document.

Minimum Standards

The review areas listed below are minimum standards designed to assist communities in developing a sound plan and serve as the foundation for prioritization of local housing needs and actions. There may be others identified locally during the assessment process. Do not attempt to use this as an exact “one size fits all” template. These are the more commonly identified housing issues in many Maine communities. Please be sure to detail the following information for each area considered:

1. The process by which problems were identified, or review areas were found not to be a significant issue. (local comprehensive plan, surveys, inspections, data sources, etc.)
2. The impact of the review areas identified in the community or region. This should include the direct correlation between the review areas and how it constitutes a problem or benefit to any applicable local housing conditions.
3. Any initiatives undertaken in the past to alleviate identified housing problems. (construction of an elderly housing complex, CDBG housing rehab program, employment of full time code enforcement officer, etc.) If no initiatives have been undertaken please explain why.
4. The affect of review areas on low and moderate income residents and/or how they affect local slum/blight conditions. (how high property values discourage LMI homeownership, abandoned buildings impact real estate prices and contribute to unsafe conditions, etc.)

Accessibility: Do all persons desiring to live locally have access to housing? Is there an adopted fair housing plan? Are the majority of units advertised for rent in the newspaper? Is public transportation available? Are diverse jobs available locally?

Affordability: Is affordability an issue? What group/groups does this affect? (elderly, first time homebuyers, LMI, etc.) How severe is the problem and what are the causes? Things to be considered include local property taxes, conversion of year around units to seasonal, local real estate prices, construction costs, utility costs, area wages/employment opportunities, availability of units, zoning restrictions, number of subsidized units available compared to low income residents, housing costs as compared to income, and population growth. Are current units and new units coming on the market affordable to the full range of local residents?
**Architectural Barriers:** Are there physical barriers to housing or services for elderly or handicapped persons? What is the extent of these problems? What is the nature of these barriers? Are these issues addressed in the local Section 504 Self-Evaluation & Transition Plan?

**Assisted Living:** Are assisted living facilities for elderly or special needs groups available? Are these facilities adequate to meet local needs? Be sure to consider future needs, impact of aging population, etc.

**Availability:** Simply put, are there enough units by type, to fulfill the needs of persons wishing to live locally? How do local sales and rental costs compare to other regional communities? Is there evidence of overcrowding in existing units? How does the population trend (static, growth, decline) compare to number of existing housing units? What is the size of waiting lists for public or subsidized housing? What are overall local vacancy rates?

**Blighted Conditions:** Are slum/blight conditions contributing to housing problems locally? What are the causes of these conditions? (abandoned industrial or residential buildings, etc.)

Are these conditions a significant factor in public health and safety issues? Be sure to elaborate if blighted conditions are concentrated in a specific area or occur in more limited rural areas.

**Code Enforcement:** Does the community or region have a full time code enforcement officer? Is local code enforcement taking an aggressive approach to dealing with code violations and life safety issues?

**Downtown or Village Area Housing:** Does the local community contain one or more built up areas? What are the general type and condition of existing housing units? Are these areas primarily residential or is there extensive mixed usage? Do existing zoning or other ordinances restrict the development of cluster housing units? Are infrastructure needs (water, sewer, roads, etc.) a factor in contributing to sprawl and inhibiting in-town housing development? Are former housing units in upper story downtown business buildings no longer useable due to accessibility issues? Do existing underutilized public, industrial or commercial buildings lend themselves to potential conversion to specialized housing units?

**Elderly Housing:** Is the availability of elderly housing units a problem locally? What are the existing options for senior housing? If no facilities are located locally, how far is the nearest facility? Are rising costs associated with upkeep making it difficult for seniors to maintain their favored residence? Are in-home services for seniors readily available in the area? (home health, meals on wheels, cleaning, etc.) Are facilities such as medical and senior centers present and available to the senior population?

**Energy Efficiency:** Do substandard levels of energy efficiency promote high bills for LMI residents? Have local electrical utilities instituted low cost/high payback programs such as hot water tank insulation and caulking? Is the waiting list for eligible low-income residents to receive energy conservation services from the regional Community Action Agency extremely long? Are residents aware of the high rate of savings generated by efficient lighting? Is electrical heating prevalent locally?
**Environmental Issues:** Do existing environmental issues present challenges to maintaining or developing housing locally? Areas to be considered include floodplains, hazardous or toxic sites, wetlands, sewage treatment, and phosphorous runoff.

**Homelessness:** Is homelessness an issue locally? What facilities are available locally or regionally to assist the homeless or those at risk? (temporary housing, transitional housing, permanent housing) Does the community have a policy for assisting those at risk or homeless? Do local General Assistance payments assist in preventing homelessness? Is doubling up of families or relatives masking an at risk population?

Inventory of Existing Housing Units: **What is the makeup of existing units in the community or region?** Provide a detailed summary of housing by type, including single family, mobile homes, rental units, seasonal, multi-family, specialized housing such as assisted living, elderly, transitional, etc. This summary should detail the number of units by type, age, occupancy rates, assessed values, rents levels, property tax rates, number of units on the current market by type, inventory of local land available for future development, inventory of tax acquired properties, size of waiting lists for public and other subsidized housing, and notation of any proposed local industrial or commercial project that may place a future demand on housing by bringing more people into the market, etc. Emphasis should be placed on the effect of these traits on local housing conditions including affordability and availability. A drive by survey that gives a general rating to unit condition should also be conducted. Local records should be used as a guide to determine if the number of local housing units has increased, decreased or remained static over the past several years. Demographic information on local residents including age, income, and household makeup should also be tabulated.

**Local Issues Affecting Housing:** Are local or regional issues (strain on school system, projected special needs housing project, loss of farm lands, etc. affecting current or projected housing development activities? Are building codes, site plan review, zoning, subdivision ordinances, or other local or State policies having affect on the local housing market? What is the overall influence of these regulations local housing conditions? (good or bad)

**New Housing Construction:** What are the trends in construction of new housing units? (single-family, multi-family, etc) What is the range of costs of newly constructed units and do these costs reflect affordability to a wide range of local income groups? Is there a shortage of contractors involved in housing construction?

**Public Housing:** Is there local or regional public housing available? Who owns and manages these units? Does availability meet demand? If no public housing is available is there an unmet need locally?

**Rehabilitation Needs:** What is the extent of housing rehabilitation needs locally? What types of housing (single family, multi-family, senior, etc.) are affected? Were in-home inspections done to determine details of need? Do certain conditions warrant replacement housing? Is lack of
approved methods of sewage disposal and obtaining potable water significant issues? Are high costs prohibiting LMI homeowners from doing necessary home repairs? What is the level of awareness of local residents regarding the availability of grants and loans for home repairs?

**Special Needs Housing:** Are special needs housing facilities available locally? Are these facilities designed to meet the needs of persons with alcohol or substance abuse, physical handicap, mental illness or other challenges? Are these facilities adequate to meet the needs of the local target populations?

**Subsidized Housing:** Are subsidized housing units available locally? Do the available units meet the needs of the low-income population? Do local landlords participate in the Section 8 Voucher Program? Are vouchers adequate to meet local need?

**Transportation:** Is public transportation available locally? Does the lack of public transportation adversely affect groups such as the elderly or special needs? Is lack of transportation a factor in lost housing or job opportunities for low-income residents?

**Variety of Housing:** Are there sufficient housing choices for persons of different age groups, family sizes, income levels, and special needs? Compare the number of low-income, elderly, subsidized, assisted living, and special needs units available against the size of these local population groups. Also compare existing unit sizes, and price ranges against local family sizes and incomes.

**Prioritizing Housing Needs**

When all the data has been collected the process shifts to categorizing this data into prioritized housing needs. Local municipal officials, housing professionals, committee members, and local residents should be involved in this process. While no community will be able to attempt to solve the whole array of needs identified, completing the assessment will give the “big picture” of all the problems that exist. Rating these needs from highest to lowest priority in a consistent and fair process with public involvement will allow the community to begin addressing those needs in an orderly manner while taking care of the most serious needs first.

**Action Plan**

The Action Plan is developed in response to all identified needs and the priorities established in the public process. Each prioritized need should be included in the plan and identify potential solutions, funding sources, and proposed changes in local practices, regulations, ordinances, and programs associated with housing policy that will contribute to addressing critical housing needs. This is an extremely important step in meeting local housing needs.

By submitting a local Housing Assessment Plan to OCD a community should be presenting a complete look into **all local housing needs**, a list prioritizing those needs and how those needs were prioritized, and a detailed **Action Plan** which sets forth how each need will be met. This should include all solutions, not just those associated with CDBG funding.
B. (Public Hearing) Code Amendment Chapter 87 Electrical Code

The City of Saco adopts and enforces model construction codes that regulate all phases of building, plumbing, electrical and fire safety installations. These codes are written and revised by membership organizations such as the International Code Council and the National Fire Protection Association (NFPA). Every 3 years, a new edition of these codes is published that include newly adopted provisions that recognize changes in safety and design.

The City has adopted and enforced, under the authority of Title 30-A, M.R.S.A., § 4171, the provisions of NFPA 70, The National Electric Code for many years. NFPA has published the 2008 edition of the National Electric Code.

On May 14, 2008, the Building Code office held an informational meeting and invited over 100 local electricians, any electrician who took out a permit in the previous 6 month period, to talk with staff about the National Electric Code; several changes were suggested, and summarized on the attached memorandum.

_Councillor Lovell moved, Councillor Bastille seconded, to open the Public Hearing on the document titled, ‘City of Saco Code Amendments to Chapter 87 - Electrical Standards, dated June 16, 2008’. The motion passed with six (6) yeas._

_The being no comments from the public Councillor Lovell moved, Councillor Bastille seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading of the document titled, ‘City of Saco Code Amendments to Chapter 87 – Electrical Standards, dated June 16, 2008’ for August 4, 2008. Further move to approve the Order. The motion passed with six (6) yeas._
§ 87-1. Title.
This chapter shall be known and may be cited as the "Electrical Code."

§ 87-1.1. Definitions. [Added 1-6-2003]
As used in this chapter, the following terms shall have the meanings indicated:

ELECTRIC FENCE -- Any fencing or barrier capable of delivering an electric shock to any person or animal coming into contact therewith, but does not include fences erected for enclosing pastures, crops or livestock and does not include underground invisible fencing which controls animals by use of a receiver collar worn by animals.

§ 87-2. Adoption of standards by reference. [Amended 11-18-1999; 3-4-2002; 2-6-06]

A. Reference is herewith made to the 2005 2008 Edition of the National Electrical Code, NFPA 70, as published by the National Fire Protection Association, as amended, to become effective April 1, 2006 September 1, 2008, and said code is hereby adopted and made a part hereof as if fully set out in this chapter, with the additions, insertions, deletions and changes as found herein. Statutory authority to adopt this code is granted by Title 30-A, M.R.S.A., § 4171 and shall cover original installations, alterations and additions, both residential and commercial and shall be in effect for the entire City of Saco. At least seven days prior to the public hearing, the purpose of which is to consider changes to this chapter, notice shall be given by regular mail, electronic mail or facsimile to all electricians who have obtained an electrical permit within the six month period preceding the public hearing date.

B. Additions, insertions and changes. The following are hereby revised as follows:

(1) Illumination. All locations containing electrical panels, and switchgear shall have a lighting outlet provided at or near such equipment. Where the main occupancy of the building in which the equipment is located is required by the building code to provide emergency lighting, all locations containing electrical panels, and switch gear shall also be provided with emergency lighting.

(2) Adoption of utility requirements. The Authority having jurisdiction may, at the request of the electrical utility company, enforce the requirements as found in the Handbook of Standard Requirements for Electric Service and Meter Installations published by Central Maine Power, effective August 15, 2002 April 25, 2006, and as amended.

(3) Mounting hardware used for grounding. Grounding of all electrical equipment shall not rely on mounting hardware to achieve proper grounding of said equipment.
(4) Exception to the arc-fault protection requirements. Arc-fault protection, as required in the body of this code, is hereby amended to apply only to receptacles. Ceiling fixtures, at the electrician’s discretion, may be arc-fault protected. Smoke detectors shall not be arc-fault protected.

(4) 210.8(A)(5) addition to exception: A single receptacle supplying a sump pump shall not have to be GFCI protected provided that a GFCI protected receptacle is located within 3 feet of the non-GFCI protected outlet.

(5) Removal of old wiring required. All readily accessible cable that is not properly capped and terminated and labeled for future use shall be removed.

(6) Protection of receptacles. Any area within a commercial occupancy designated for day care or nursery school use shall utilize spring-type guards on all outlets in that space.

(6) 702.5(B) (2) for other than single-family dwellings, where automatic transfer equipment is used, and an optional standby system shall comply with (2) (a) or (2) (b).

(7) Electric fence requirements. Any person proposing to erect an electric fence within the City of Saco shall first obtain a permit in accordance with other provisions of this code. The Electrical Inspector, prior to issuance of a permit to install an electric fence, shall notify the Police and Fire Departments of Saco of the location of the proposed installation. Acknowledgement of the notification from both the Fire and Police Departments shall be given before any permit to install electrified fences is granted. Failure to comply with any of the design standards found in the manufacturers’ installation instructions shall be a basis for denial of a permit application.

Exemption: Any electric fence used in association with an agricultural use shall be exempted from this sub-section.

(7 a) Electric fence design standards. Where an electric fence is within 100 feet of a public or private road as defined by the Saco Zoning Ordinance, it shall be posted with signs every 75 feet along the fence line facing toward the road. The signs shall state "Warning, Electric Fence, Keep Back." All warning signs shall be legible from a distance of at least 10 feet away from the electric fence. Any fence that is electrified shall not contain more than 7,000 volts and no more than nine milliamps. All fence-charging equipment shall be listed by a recognized testing agency such as Underwriters Laboratories. All persons proposing to install electric fences shall provide plans in sufficient detail to determine compliance with these standards. All electric fences shall be pulse type systems. The point of electrical supply for the fence shall comply with all applicable standards of the main body of the National Electric Code.
(8) Smoke & Heat Detectors. In addition to smoke detectors required elsewhere in this code, a smoke or heat detector shall be installed in any new attached residential garage. Installation, including wiring and power sources for all smoke and heat detectors shall be in accordance with the provisions of the NFPA Standard 72, Chapter 11.

(9) USE cable may be used where it emerges from ground and is terminated in an enclosure at a location acceptable to the Authority Having Jurisdiction.

The Electrical Inspector who must be licensed by the State of Maine as a Master Electrician is herewith designated as the City official to supervise and enforce this chapter. The Electrical Inspector will be under the direction of the Building Inspector, who will act as his/her immediate supervisor.

§ 87-4. Appeals.
A. Any person aggrieved by the decision of the Electrical Inspector with regard to the enforcement of the Electrical Code may take an appeal to the Mayor and City Council.
B. An appeal may be taken within 30 days from the date of the decision appealed by filing with the City Council, through its Clerk, a notice of appeal specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Electrical Inspector, is unsafe, dangerous and a threat to life safety, the Electrical Inspector may, in his/her order, limit the time for such an appeal to seven days. The Electrical Inspector shall forthwith transmit to the Mayor and City Council all the papers upon which the action appealed from was taken.

§ 87-5. Violations and penalties.
The following provisions shall apply to violations of the laws and ordinances set forth in this chapter, and all monetary penalties shall be civil penalties.

A. The minimum penalty for starting construction or undertaking a land use activity without a required permit shall be $100, and the maximum penalty shall be $2,500.
B. The minimum penalty for a specific violation shall be $100, and the maximum penalty shall be $2,500.
C. The violator may be ordered to correct or abate the violations. Where the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation, unless the abatement or correction will:
   (1) Result in a threat or hazard to public health or safety;
   (2) Result in substantial environmental damage; or
   (3) Result in substantial injustice.
D. If the City of Saco is the prevailing party, it shall be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs, as provided by court rule.
E. The maximum penalty may exceed $2,500 but shall not exceed $25,000 when it can be shown that there has been a previous conviction of the same party, within the past two years, of the same law or ordinance.

F. All proceedings arising under the provisions of locally administered laws and ordinances shall be brought in the name of the City of Saco, and fines shall be paid to the City of Saco.

§ 87-6. **Electrical Permits & Fee Schedule.** [Amended 4-7-1997; 12-4-2000; 2-6-06]

A. Electrical Permits shall be administered as provided for in Annex G, Section 80.19 (A) through (C) of the 2005 2008 National Electric Code. The City Council shall determine fees

C. (Public Hearing) Contract Zone Amendment – KFC,CVS, and York County FCU

A contract zone was approved on October 17, 2005, allowing the owners of three abutting Main Street parcels to address mutual access, parking, signage and setback issues. The three parties, including Linron Inc., doing business as KFC; the York County Federal Credit Union; and Shannon Realty Limited Partnership, now request amendments to the contract zone that would allow the landscaped buffer along Main Street to be reduced in width, a sidewalk to be built within the landscaped buffer, and off-premise signage to be installed at the corner of Main Street and Smith Lane in order to direct southbound vehicles to turn left at the Smith Lane signal to access the three businesses. Ordinarily, off-premise signs are not allowed. The cooperative nature of this application allows for a shared access drive to the rear of the three parcels, and a single driveway off Main Street providing access to the credit union and CVS.

The Planning Board reviewed this item on June 3, 2008 and the Board forwards a positive recommendation for the amendments proposed by Shannon Realty LP.

If the contract zone amendment is approved by the Council, the project would be subject to site plan review by the Planning Board prior to development occurring on the Shannon Realty site.

Councilor Morton moved, Councilor Mills seconded, to open the Public Hearing on the document titled, ‘Amended Contract Zone Agreement by and Between Linron, Inc., Saco Realty Limited Partnership, York County Federal Credit Union and the City of Saco,’ dated June 3, 2008’. The motion passed with six (6) yeas.

Councilor Arthur Tardif arrived at 7:17 p.m.

There being no comments from the public, Councilor Morton moved, Councilor Mills seconded, to close the Public Hearing on the document titled, ‘Amended Contract Zone Agreement by and Between Linron, Inc., Saco Realty Limited Partnership, York County Federal Credit Union and the City of Saco,’ dated June 3, 2008’, and Be it Ordered that the City Council set the Second and Final Reading for August 4, 2008. Further move to approve the Order. The motion passed with seven (7) yeas.
Amended Contract Zone Agreement By and Between

LINRON, INC., SACO SHANNON REALTY LIMITED PARTNERSHIP, and YORK COUNTY FEDERAL CREDIT UNION and the CITY OF SACO

THE CITY OF SACO HEREBY ORDAINS:

That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through June 20, 2005, November 19, 2007 is hereby amended by adopting this contract by and between the City of Saco and LINRON, INC. ("Linron"), SACO SHANNON REALTY LIMITED PARTNERSHIP ("SRLP") and YORK COUNTY FEDERAL CREDIT UNION ("Credit Union") (collectively "Applicants") and their successors and assigns.

1. The Applicants propose to establish a series of three (3) permitted uses located on Main Street with a single curb cut off of Main Street and a rear drive providing access for the three uses to Shannon Lane and its signalized intersection. The proposed uses include an existing eating establishment (KFC Restaurant) on the Linron, Inc. property; an existing financial institution (York County Federal Credit Union) and a proposed retail business (CVS Pharmacy) on the Saco-Shannon Realty Limited Partnership parcels.

2. Said properties are identified as Tax Map 33, Lot 6 (Linron); Tax Map 33, Lot 7 & Map 33, Lot 4-1 (SRLP) and Tax Map 33, Lot 9 (Credit Union) on City of Saco tax maps, and is in a B-2d zoning district (the "Subject Properties").

3. Part of the properties are currently improved with a KFC Restaurant (Linron parcel). The Credit Union occupies one parcel and the SRLP parcels are improved with a house and a carriage house in which a real estate agency is now located.

4. Eating Establishments, financial institutions and retail businesses are permitted uses in the B-2d zoning district.

The Applicants propose a zoning amendment in the form of a contract zone to facilitate the construction of a CVS Pharmacy, the construction of a new KFC, an addition to the Credit Union, the installation and maintenance of a single Main Street curb cut, and the establishment of a common rear drive to Shannon Lane benefiting all three (3) uses. Recognizing the public necessity and convenience which will result from this undertaking, particularly traffic safety and efficiency that shall come from a shared common access and reduced curb cuts on Route 1, and recognizing the unique location of the parcels, and the requirements of the Zoning Ordinance, the Applicants hereby make application for a Contract Zone that would permit the following modifications to the requirements in the B-2d Zone and the establishment of the following components for the subject properties, which modifications would, in part, amend the Saco Zoning Ordinance.
A. A fifteen (15) foot wide integrated landscaped buffer will be established along Main Street for Linron, the Credit Union and SRLP. A five (5) foot wide vegetative buffer will be established along Shannon Lane for the Linron property. Five (5) shade trees, and shrubs as described in Section 708-3.9.C of the Zoning Ordinance shall be installed along Shannon Lane, with final details to be addressed during site plan review provided said planting requirements will recognize the desire of Linron to maintain its visibility. A five (5) foot wide paved sidewalk and five (5) foot wide grassed esplanade serving all three (3) properties shall be located within the Main Street right of way to the extent possible. However, said sidewalk and esplanade may be located on the Subject Properties, and easements shall be granted by the Applicants for same, to the extent that right of way width imposes limits on the location of the sidewalk and esplanade on the landscape buffer on the Subject Properties, as shown on Exhibit A, and the Applicants shall grant easements for the same, to the extent that right of way width imposes limits on the location of the sidewalk.

B. Except as more specifically described in A- above for landscaped buffers along streets, interior landscaping requirements for each property shall be as follows:

1. Interior landscaping requirements for the Linron property are waived;

2. Notwithstanding the depicted landscaping found on Exhibit A, interior landscaping requirements for the SRLP property shall be determined, and may be modified or waived, as part of and through site plan review for the proposed use on the SRLP parcel;

3. Interior landscaping for the Credit Union property shall be as currently existing;

4. A landscaping plan prepared by a registered landscape architect shall be submitted as part of site plan review of the individual properties, with specific attention to meeting and exceeding requirements found in Section 708-3.9.C regarding the front buffers along Main Street and Shannon Lane.

C. Upon the build out of the Subject Properties there will be only a single curb cut off Main Street, where the Credit Union's current curb cut is located. Said curb cut will be restricted to right hand turns into and out of the property. The curb cut shall be configured to permit only right hand turns in and out. Until the Subject Parcels and proposed internal roadways and drive improvements and the improvements related to the new access drive and related Route One and Shannon Road improvements are constructed, the access drive and internal roadways serving the Credit Union property will remain in their present configuration and with their same utility to the Credit Union.

D. A common directional sign plan shall be submitted with the site plan applications for the Linron and the Sase-Shannon Realty Limited Partnership properties, with the goal of directing all traffic headed southbound on Main Street with the Subject Properties as
destination to turning left at the signalized intersection at Shannon Lane, thence to a rear two-
way drive that will be established and that will provide access to Shannon Lane for all three
(3) uses pursuant to an easement agreement. All vehicles exiting the Subject Properties, then
turning left (south) onto Main Street will be directed through the Shannon Lane signalized
intersection via internal signage on the Subject Properties.

(1) **Notwithstanding Section 707-i(d) of the Saco Zoning Ordinance, an off-premise
direction sign for the purpose of informing southbound motorists of access to the Subject
Properties via Smith Lane.** The directional sign for southbound traffic will identify all
uses on the Subject Properties and may be located off site either on private property or
City owned land if the parties hereto can negotiate such an arrangement. Nothing herein
assures Linron, SRLP or the Credit Union that the City will make land available for the
location of such signage.

E. The setback for the Linron stacking lane off of Main Street will be reduced from forty (40)
feet to twenty-five (25) feet, thereby amending Saco Zoning Ordinance Section 708-3(1)(d).

F. This is a contract between four parties (City, Linron, SRLP and Credit Union) which
anticipates the improvement of four (4) parcels all at different times, with the parties
acknowledging that Linron is ready to undertake construction as of this date and should not
be delayed in their construction. To provide assurances to all concerned, the following
conditions are agreed to:

(1) Plan C101. Linron has presented a proposed Plan Design labeled C101, which Plan
lays out shared parking with SRLP and a common access drive and which Plan is all
parties' preferred option. Should Linron proceed with this Plan variant the required
combined parking for the Linron and SRLP lots, based on a shared parking arrangement,
by easement, (See Saco Zoning Ordinance Section 708-3) shall total ninety-three (93)
spaces instead of the required one hundred two (102) spaces, with no required five (5)
foot buffer between the Linron and SRLP lots as required by Section 708-3.2 of the
Zoning Ordinance.

(2) Plan C101/B. If Linron is, for reasons outside its control, unable within a reasonable
time period to assure itself of, and secure parking rights on SRLP property sufficient to
build out Plan C101, it may proceed with the Plan detailed as C101/B. However, the
following affirmative conditions shall be met:

a. Linron covenants to negotiate in good faith in its effort to secure shared parking
rights with SRLP and/or other parties in interest (as set forth in Section F(1)), their
successors and assigns. This covenant constitutes an ongoing obligation that
continues until construction of the rear access drive has been completed.

b. When and if the SRLP parcels are subsequently developed/improved, whether or
not such development requires site plan approval, Linron will cooperate with said
parties to create shared parking with and between Linron and SRLP parcels as
everisioned and set forth on Plan variant C101. Said shared parking spaces to be
constructed by the owner/developer of the SRLP parcels or paid for by said owner/developer of the SRLP parcels.

c. In addition, and at said future date, Linron (subject to Section (F) (2) (d) below) will grant to SRLP or its successors and assigns, and to the Credit Union or its successors and assigns, full and irrevocable permission, and an easement, to enter upon and construction across the Linron parcel the common shared access shown on Plan variant C101. Said easement will be for the benefit of the public for travel, for the benefit of SRLP, its successors and assigns, and for the benefit of Credit Union and its successors and assigns. Said construction will not unreasonably interfere with Linron's or Credit Union's use of its property.

d. SRLP and Credit Union, as they should negotiate, shall bear the costs of building out the shared access. In addition, SRLP and Credit Union, as they negotiate, shall also pay Linron a separate fee of not less than $200,000.00 or more than $275,000.00 as additional consideration for the easement across Linron's property. SRLP and the Credit Union, as they should negotiate, shall also agree upon a maintenance contract for the rear access drive.

e. Linron shall bear the burden, cost and obligation to secure a release from any and all mortgages of record encumbering Linron's property at the time of the execution of the required easement.

f. Until said shared parking is created, Linron will only be required to have 27 parking spaces for its parcel under Plan variant C101/B instead of 37.

G. The Credit Union will be permitted to place a fifteen (15) foot wide addition on the northeasterly side of its building as depicted on Exhibit "A" without the need for a variance. The height of this addition shall not exceed the height of the existing building. Construction of this addition will result in a reduction in the sideline setback to a width of five (5) feet, +/-.

The addition will be constructed consistent with the existing building's stone facade architecture to the maximum extent possible.

H. The required number of parking spaces for the Credit Union will be the presently existing eighteen (18) spaces consisting of one (1) space per 150 square feet of building footprint area based on a 2,280 square foot footprint rather than one (1) space per 150 square feet of floor area, as provided in Table 708-2. Six additional parking spaces will be added as part of the construction of the addition referred to in the preceding subparagraph, as depicted on Exhibit A.

I. The site plan application submitted to the Planning Board by Linron shall be subject to Zoning Ordinance, Section 729, Design Standards.
J. There shall be no more than a single row of parking spaces between the SRLP structure and Main Street. SRLP may configure its parking so that up to 35%, (twenty-three (23)) of the total required number of parking spaces (sixty-five (65)) for the SRLP parcel may be located between the building and Main Street, notwithstanding Zoning Ordinance Section 708-3.9.E.

K. Linron and the Credit Union will be permitted to retain their existing level of signage, including area, height, composition, configuration and style of signage, but the SRLP business, and its successors, including but not limited to CVS, will be required to comply with the existing sign ordinance provisions. Each use will be treated separately for signage purposes except that the Credit Union, to accommodate the new traffic conditions, pedestrian sidewalks and the impacts of changes in the traffic improvements on the subject Properties and adjacent Main Street, U.S. Route One, may, at its option, relocated its sign or located a similar sign in area, height, composition, configuration and style of signage at another location adjacent to or in the esplanade area on its parcel, and may as it finds necessary located internal direction signs to assist its customers to access and exit the Credit Union property. The Credit Union’s signage which is relocated shall be in place in a location acceptable to the City Planner and City Code Enforcement Officer.

L. The easement described herein above shall be reviewed by the City for approval, which shall not be unreasonably withheld. The easement shall assure perpetual public right to cross and re-cross the entire length of the shared drive.

M. City and Applicants recognize that any 'Sketch Plans' submitted for the purposes of Contract Zone consideration are limited in scope and detail. The project is subject to site plan review by the Planning Board, and to any and all permits, licenses or approvals which the project may be subject to by the Maine Department of Environmental Protection, the Maine Department of Transportation, and all other regional, state and federal agencies.

N. Failure of Linron or SRLP to submit applications for site plan review as proposed to the Planning Office for review, and approval by the Planning Board, within one (1) year of the approval of this Contract Zone shall render this Agreement null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of Linron or SRLP, this deadline may be extended by six (6) months upon written request submitted by an Applicant. The York County Federal Credit Union proposal for a fifteen (15) by sixty-six (66) foot addition to the northeasterly side of its building is subject to site plan review, but shall not be required to meet either the one year or eighteen month deadline.

O. Except as addressed in this Contract Zone document, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance. All details shown on the plans and application materials submitted in connection with the contract zone application or in connection with Linron's or SRLP's site plan review applications, to date or in the future are hereby incorporated into this contract by reference. The site shall be developed in conformance with those plans and materials. Minor changes may be approved by the Planning Office of the City of Saco. If it is determined that the changes constitute a change in
this Contract Zone Agreement, then the developer shall be required to obtain City Council approval of the changes.

P. This Contract Zone shall affect only the Subject Properties and shall bind the parties, as well as their successors and assigns.

Q. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Any proposed change of use for any of the subject properties shall be subject to site plan review by the Planning Board.

R. This Contract Zone, and benefits derived thereunder shall not be transferable without approval by the City Council, which approval shall not be unreasonably denied.

S. Breach of these conditions, restrictions and/or Agreement by any of the Applicants shall constitute a breach of the contract. Said breach of contract shall constitute a zoning violation, subject to enforcement action by the City of Saco.

T. Upon construction of the shared, common access drive, all delivery vehicles will be directed to enter the subject properties over Shannon-Smith Lane or by turning right from Main Street into the subject properties.

This Contract Zone, specifically and exclusively for the parcels at 477 Main Street (Credit Union), 481 Main Street (SRP), 485 Main Street (adjoining parcel) and 491 Main Street (KFC), would allow the Applicants to develop the subject parcels with the limitations and modifications as proposed above, subject to the above conditions and restrictions.

Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and after a requisite recommendation from the Saco Planning Board on _______________, and by vote of the Saco City Council on ______________, the following findings are hereby adopted:

A. City Tax Map 33, Lot 6, Map 33, Lot 7, Map 33, Lot 4-1, and Map 33, Lot 9 are parcels of an unusual nature and location, for the following reasons:

1. The four parcels are contiguous parcels bordered by Main Street and Shannon Lane. A common rear drive accessible to all four parcels can only be constructed with the mutual participation and cooperation of the owners of all four parcels. That mutual undertaking is possible only if the property owners are able to retain the ability to operate and undertake reasonable expansion of their businesses. If development is not able to proceed consistent with the proposed contract zone, reconstruction on the KFC property consistent with current zoning will eliminate the opportunity to construct a common rear access by which all four parcels can access Shannon Lane's signalized intersection.

2. The four parcels are configured in such a way to limit Main Street access for all four parcels to a single curb cut.
3. Such shared access and limited curb cuts are necessary and appropriate given the significant traffic accessing the area, and using U.S. Route 1 corridor, and will substantially aid traffic flow, reduce accidents, and thereby advance the public welfare.

B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:

Saco Comprehensive Plan

Chapter 17, Goals and Policies

1. The Local Economy

   Local goals: To increase the number of jobs available in Saco.
   To maintain Saco’s role as a retail and service center for the region.

   Chapter 17(B)(6) The Route 1 corridor from Thornton Academy to the I-195 spur functions as a community commercial center. The City should work to improve the visual appearance of this area. In addition, efforts should be made to upgrade traffic flow and to improve access to and from adjacent properties and neighborhoods.

   Chapter 17(F)(16) The City should also designate the Route 1 corridor from Thornton Academy north to the I-195 spur as a commercial district recognizing the established pattern of commercial use in this area. The City should focus its efforts in this area on improving traffic flow and vehicular access by developing alternative roadways and on improving the visual environment by continuing to work to reduce the amount and size of signs in the corridor.

   Chapter 17(G)(5) The City’s development standards should continue to limit the creation of new curb cuts to provide access to abutting property along the entire length of the Route 1 corridor. These standards should require the creation of consolidated entrances where feasible.

   Chapter 17(G)(7) The City should discourage the creation of new lots fronting directly on Route 1. Where feasible the City’s development standards should require that an overall access plan be instituted when new lots are created so that access to Route 1 is limited to internal streets or to combined access ways to minimize the number of access points.

C. The proposed use is consistent with the existing uses and permitted uses within the original zone. The original zone is the B-2d zone and all of the proposed uses are permitted in that zone. Furthermore, the creation of the common rear drive and single Main Street curb cut are all consistent with the Comprehensive Plan and the City’s Main Street Access Study. This contract zone proposal is designed to accommodate existing uses while creating a vastly improved common vehicular access system.
The conditions proposed are sufficient to meet the intent of Section 1403 – Contract Zoning, of the Saco Zoning Ordinance.

Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, both the parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on ________________.

By. ________________________________
Richard Michaud
City Administrator

D. (Public Hearing) Code Amendment – Bicycle Ordinance

While reviewing Chapter 69-8, it was discovered that many sections mirrored state law and others were outdated. Restrictions also prevented the managing of bicycles taken into safe keeping by the police department. The City Attorney was asked to review the city’s Chapter 69 and compare it to state law.

The result of the attorney’s comparison is illustrated in the document titled ‘Code Amendments to Chapter 69, Articles I & II, dated July 7, 2008,” which essentially removes any duplication of state laws and adopts modifications to meet current needs.

Councilor Lovell moved, Councilor Mills seconded, to open the Public Hearing on the document titled, ‘Code Amendments to Chapter 69, Articles I & II, Dated July 7, 2008’. The motion passed with seven (7) yeas

There being no comments from the public Councilor Lovell moved, Councilor Morton seconded, to close the Public Hearing on the document titled, ‘Code Amendments to Chapter 69, Articles I & II, Dated July 7, 2008’, and Be it Ordered that the City Council set the Second and Final Reading for August 4, 2008. Further move to approve the Order. The motion passed with seven (7) yeas.

Southern Maine Sports Zone, located at 400 North St. has applied for a new Liquor License 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 M.R.S.A., Title 28-A, Subsection 653.

Councilor Mills moved, Councilor Smith seconded, to open the Public Hearing for the new liquor license for ‘Southern Maine Sports Zone, Inc. The motion passed with seven (7) yeas.

The being no comments from the public Councilor Mills moved, Councilor Morton seconded, to close the Public Hearing and Be it Ordered that the City Council grant the application submitted by Southern Maine Sports Zone, for a new Liquor License, for the period of one year. Further move to approve the Order. The motion passed with seven (7) yeas.

F. Reconsideration of Contract Zone Amendment – Lawnmower Races: Saco Pathfinders Club

The ‘Contract Zone Agreement By and Between Saco Pathfinders Snowmobile Club and the City of Saco,” dated May 6, 2007’ was approved by the Council on July 7, 2008, which essentially allows a series of lawnmower races at its clubhouse located at 42 Heath Road. It was anticipated that site plan review by the Planning Board would follow, and would include a review of noise levels that would be generated during races as is normally the case.

However, Section 801 of the Zoning Ordinance includes an exemption for “noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the (City), including, but not limited to, parades, sporting events, concerts, and firework displays.”

Staff concludes that the contract zone approval in effect is a permit which allows exemption from the noise standards.

Councilor Cote moved, Councilor Smith seconded, that it bet Ordered that the City Council move to Reconsider action taken on July 7, 2008:

“The City of Saco hereby ordains and approves the Second and Final Reading of the Contract Zone document titled, “Contract Zone Agreement By and Between Saco Pathfinders Snowmobile Club and the City of Saco,” dated May 6, 2007”. The motion passed with seven (7) yeas.

Councilor Cote moved, Councilor Lovell seconded, that it be Ordered that the City Council approve the following amendment to the document titled “Amendments to Contract Zone
Agreement By and Between Saco Pathfinders Snowmobile Club and the City of Saco, May 6, 2008 – Section II. Notwithstanding Section 801-2.7 of the Zoning Ordinance, noise created by the proposed lawnmower races and all other activities associated with the use proposed by the Applicant shall be subject to standards set forth in Section 801, Noise, of the Saco Zoning Ordinance. Further move to approve the Order. The motion passed with five (5) yeas and two (2) nays. Councilors Smith and Bastille vote in the negative.

Contract Zone Agreement By and Between
Saco Pathfinders Snowmobile Club and the City of Saco

May 6, 2008

THE CITY OF SACO HEREBY ORDAINS:

I. That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through November 19, 2007 is hereby further amended by adopting this contract by and between the City of Saco and the Saco Pathfinders Snowmobile Club.

1. The Saco Pathfinders Snowmobile Club (Applicant) has submitted an application for a contract zone for the parcel (Subject Property) at 42 Heath Road.

2. The Subject Property is owned by the Applicant, acquired November 12, 1973, and subject to a deed recorded in Book 2019, Page 292 at the York County Registry of Deeds.

3. The Subject Property is a 2.0 acre parcel identified as Tax Map 116, Lot 22-1 on City of Saco tax maps.

4. The Subject Property is in the C-1 zoning district.

5. The Applicant proposes to establish a use not currently recognized by the Zoning Ordinance – “Lawnmower Races” -- on the Subject Property. This is not an allowed use in the C-1 zoning district or in the City of Saco.

6. Recognizing the requirements of the Zoning Ordinance, and the limitations on establishing such a use in the C-1 zoning district, the Applicant hereby makes application for a Contract Zone that would allow said use to be established on the Subject Property as a legally conforming use.

II. This Contract Zone Agreement amends the Saco Zoning Ordinance as follows:

This Contract Zone, specifically and exclusively for the Subject Property as identified above, would allow the Applicant to establish Lawnmower Races as an allowed use, as provided for in Article 14 of the Saco Zoning Ordinance:
Section 410-14 of the Zoning Ordinance is hereby amended so that “Lawnmower Races” shall be a permitted use on the Subject Property.

III. This Contract Zone Agreement is subject to the following conditions and restrictions, as provided for in Section 1403-5 of the Saco Zoning Ordinance:

a. The Applicant shall adhere to all other applicable provisions of the C-1 zoning district and of the City of Saco Zoning Ordinance.

b. City and Applicant recognize that the plan/map submitted for contract zone review is an accurate representation of existing site layout, but is subject to change as a result of site plan review conducted by the Planning Office. If it is determined that the changes constitute a significant change in the contract, then the developer shall also be required to obtain City Council approval of the changes.

c. Abutter Scamman, 38 Heath Road, has offered to allow parking on his property for lawnmower racing events. An easement specifying this arrangement shall be drafted, made available to the City for review, and recorded at the York County Registry of Deeds prior to said events taking place. The Applicant is aware that should the Scamman property be found to contain wetlands, or found to be inadequate in some other way for the creation of additional parking, then an alternative may need to be found in order for site plan parking requirements to be met.

d. Upon approval of this contract by the City Council, the Applicants shall submit materials required for site plan review to the Planning Office. Failure of the Applicants to secure site plan approval within one year of the approval of this Contract by the Saco City Council shall render this Contract null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicants, this one year deadline may be extended by one year upon written request to the City Council.

e. Lawnmower races shall be limited to no more than two evenings per months, between the hours of 6:00 p.m. and 9:00 p.m.

f. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicants. Approval of this Contract Zone is in part based on the financial and technical qualifications of the Applicants as submitted to the City. Accordingly, this contract and the contract zone it creates shall not be transferable prior to review of said qualifications by the Planning Board.

g. Breach of these conditions and restrictions by the developer shall constitute a breach of the contract, and the developer shall be required to apply for a contract modification. Failure to apply for, or to obtain a modification shall constitute a zoning violation, subject to enforcement action.
IV. Pursuant to authority found in 30A M.R.S.A. Section 4352 (8), and the City of Saco Zoning Ordinance, Section 1403, and by vote of the Saco Planning Board on May 6, 2008 and the Saco City Council on July 7, 2008, the following findings are hereby adopted:

A. The parcel identified as City Tax Map 116, Lot 22-1 comprises the Subject Property, a parcel of an unusual nature and location for the following reasons:

1. The Subject Property is the location of the sole snowmobile club in the City of Saco. The City finds the Saco Pathfinders Snowmobile Club to be a valued entity within Saco, as a supporter and contributor to numerous causes and events.

B. The proposed rezoning is consistent with the Saco Comprehensive Plan, based on the following goals:

   Chapter 17, Section J. Recreation and Open Space
   Local Goals: To provide recreational facilities to meet the needs of the City’s growing population.

   Chapter 17, Section K. Cultural Facilities
   Local Goal: To provide cultural facilities to meet the needs of the community and reinforce Saco’s role as a core community within the region.

C. The proposed use is consistent with but not limited to the existing uses and permitted uses within the original zone. The original (existing) zone is the C-1 Conservation District, designated to promote agriculture and open space while permitting low density residential uses. Examples of uses in the vicinity of the subject property include single-family dwellings and agricultural land.

D. The conditions proposed are sufficient to meet the intent of Section 1403. Contract Zoning, of the Saco Zoning Ordinance.

V. Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on July 7, 2008.

by ______________________        by _____________________
   Richard Michaud
   City Administrator
   Robert Berry, Chairman
   Saco Pathfinders Board of Directors
   Applicant

VII. CONSENT Agenda

A. Resolution Providing Approval for the Spin-Off of Time Warner Cable, Inc.
On May 21, 2008, Time Warner, Inc. and Time Warner Cable announced a plan to effect a complete separation of Time Warner Cable from Time Warner, Inc. The end result of the Spin-Off will be the divestiture by Time Warner, Inc., of its entire ownership in Time Warner Cable.

Upon completion of the Spin-Off, which is hoped to occur by the end of 2008, 100% of the common stock will of Time Warner Cable will be publicly traded.

The Spin Off does not require approval from the franchising authority however a resolution in acknowledgement and support of the Spin Off is requested.

Be it Ordered that the City Council adopt the ‘Resolution Providing Approval for the Spin Off of Time Warner Cable, Inc.’
RESOLUTION NO. __________

A RESOLUTION PROVIDING APPROVAL FOR THE
SPIN-OFF OF TIME WARNER CABLE INC.

WHEREAS, the City of Saco, ME ("Franchising Authority") has granted a cable
television franchise (the "Franchise") to an entity (the "Franchisee") which is a subsidiary or
affiliate of Time Warner Cable Inc. ("Time Warner Cable"); and

WHEREAS, Time Warner Cable is a publicly-traded corporation, with approximately
84% of its common stock currently held indirectly by Time Warner Inc.; and

WHEREAS, Time Warner Cable and Time Warner Inc. have entered into an agreement
to effect a complete separation of Time Warner Cable from Time Warner Inc. (the "Spin-Off");
and

WHEREAS, upon closing of the Spin-Off, one hundred percent (100%) of the stock of
Time Warner Cable will be publicly traded; and

WHEREAS, Time Warner Cable and Time Warner Inc. have filed FCC Form 394
providing details regarding the Spin-Off; and

WHEREAS, the Franchising Authority wishes to grant its approval for the Spin-Off as
described above.

NOW, THEREFORE, BE IT RESOLVED BY FRANCHISING AUTHORITY:

Section 1. The Franchising Authority hereby approves the Spin-Off.

Section 2. Upon the closing of the Spin-Off, the Franchisee shall remain
bound by the obligations under the Franchise.

Section 3. This Resolution shall become effective immediately upon passage
by the Franchising Authority.

PASSED, ADOPTED AND APPROVED this ____ day of ____________, 2008.

By: ____________________________

ATTEST:

______________________________
June 12, 2008

Mr. Rick Michaud
City Manager
City of Saco
300 Main Street
Saco, ME 04072

Dear Mr. Michaud:

As you may know, Time Warner Cable Inc. ("Time Warner Cable") is the managing parent of the Franchisee providing cable television service in your community. Time Warner Cable is a publicly-traded corporation, with approximately 84% of its common stock currently indirectly held by Time Warner Inc. ("TWX"), itself a publicly-traded corporation, with the remainder widely held by public shareholders.

On May 21, 2008, TWX and Time Warner Cable announced a plan to effect a complete separation of Time Warner Cable from TWX (the "Spin-Off"). The end result of the Spin-Off will be the divestiture by TWX of its entire ownership in Time Warner Cable either: through (i) an exchange offer whereby TWX stockholders may exchange some or all of their shares of TWX common stock for shares of Time Warner Cable common stock or (ii) a dividend by TWX to its stockholders of the shares of Time Warner Cable common stock held by TWX, or some combination of these mechanisms. Upon completion of the Spin-Off, which we hope to occur before the end of this year, 100% of the common stock of Time Warner Cable will be publicly traded.

The Spin-Off will not affect the ownership interests held by Time Warner Cable in the Franchisee or any of its other direct or indirect subsidiaries or affiliates, and Time Warner Cable will retain management authority over the Franchisee in your community. The Spin-Off will not result in the assignment or transfer of any of the Franchisee’s assets, including the franchise. Moreover, ultimate control of Time Warner Cable will rest with the same public shareholders both immediately before and after completion of the Spin-Off.

Based on all of the circumstances, we do not believe that the Spin-Off requires your approval. Nevertheless, if you would like to grant approval, we would appreciate the consideration and prompt adoption of the accompanying Resolution. We are also enclosing the required number of copies of FCC Form 394, which contains the information regarding the Spin-Off and Time Warner Cable, along with contact information if you should have additional questions.
B. Lawn Avenue

The unimproved portion of Lawn Avenue is listed on the “Saco Paper Streets, Revised List, September 12, 1997”. Lawn Avenue has not been accepted by the City, nor has it ever been maintained, and is therefore in fact abandoned. Under Title 23, abandoned ways revert to abutters from the center line.

The property owners at 21 Lawn Avenue are requesting that a new deed be issued to include, as part of their property, the abandoned portion of Lawn Ave.

The City Attorney has researched and prepared a Municipal Quit Claim Deed which transfers, releases, and quitclaims to Alison Muller and Cynthia Corwin, interest in certain real property constituting a portion of Lawn Avenue that has been abandoned, and is more particularly described in said Deed.

The cost for the preparation and recording of the proposed Municipal Quit Claim Deed by the City Attorney is $345.00.

Be it Ordered that the City Council authorize the City Administrator to execute a Municipal Quitclaim Deed from the City of Saco to Alison Muller and Cynthia Corwin for the abandoned portion of Lawn Avenue, and that the cost of legal fees in the amount of $345.00 be the responsibility of the abutters.”
Attachment A
Saco Paper Streets, Revised List, September 12, 1997

Academy Avenue
Anderson Lane
Ash Street
Belvoir Street
Bent Drive
Billo Avenue
Birch Street
Blaine Street
Boothby Road
Burrow Street
C Street
Celina Drive
Central Street
Christina Drive
Cnr. View Drive
Commonwealth Avenue
Cottage Avenue
Curtis Avenue
D Street
Day Street
Delhi Avenue
Dune Avenue
E Street
Eagle Avenue
Eastern Avenue
Eureka Avenue
Estavia Avenue
F Street
Forest Street
Foss Road
G Street
Garnet Avenue
Gervais Avenue
Green Avenue
Gull Avenue
H Street
Hall Avenue
Harrison Avenue
Hillview Avenue
Hobson Lane
Irving Street
J Street
King Street
Laurel Street
Law Avenue

Lewis Avenue
Lillian Avenue
Long Pond Avenue
Marguerite Road
Meadow Avenue
Meadow Lane
Nikki Circle
Nutting Street
Oak Street
Oceanside Drive
Old Orchard Road
Palmier Avenue or Street
Park Road
Pine Crest Avenue
Pine Street
Piney Wood Road
Portland Street
Ranwell Avenue
Rice Street
Saltair Avenue
Santa Anita Avenue
Sheila Circle
Shepard Avenue
Shore Avenue
Sokokis Street
Spring Avenue
Spring Road
Stove Avenue
Surf Street
Susan Lane
Sylvan Avenue
Tall Pines Lane
Thacher Street
Truman Avenue
Valerie Circle
Virginia Avenue
Ciciana Street
Wakefield Avenue
Washington Avenue
Waterloo Avenue
Wood Avenue
Woodland Avenue

A TRUE COPY
ATTES:

Loretta S. Pelletier

RECEIVED YORK S.S.
1997 SEP 24 A 9 20
ATTES:

Loretta S. Pelletier
REGISTER AT OPUS
C. Application for a License to Operate Games of Chance


The applicant submitted the applications in accordance with the provisions of Title 17 M.R.S.A. chapter 13-A and in accordance with the Rules and Regulations promulgated by the Chief of the State Police governing the operation of Beano/Bingo or Games of Chance.

Be it Ordered that the City Council grant the applications for Licenses to Operate Games of Chance: Sealed Tickets with the first application from Sept. 10, 2008 to Sept. 10, 2009 and the second application from Oct. 10, 2008 to Oct. 10, 2009.

Councilor Smith moved, Councilor Mills seconded, to approve the Consent Agenda. The motion passed with seven (7) yeas.

**VIII. ADJOURNMENT**

Councilor Mills moved, Councilor Morton seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 7:40 p.m.

ATTEST: ___________________
Lucette S. Pellerin, City Clerk