

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the July 6, 2010 Council Meeting.

I. CALL TO ORDER – On Tuesday, July 6, 2010 at 7:30 p.m. a Council Meeting was held in the City Hall Auditorium.

II. ROLL CALL OF MEMBERS – Mayor Roland Michaud conducted a roll call of the members and determined that the Councilors present constituted a quorum. Councilors present: Margaret Mills, Leslie Smith, Jr., Marie Doucette, Jeffrey Christenbury, Arthur Tardif, Eric Cote and Councilor Marston Lovell. Also in attendance, this evening, were City Administrator Richard R. Michaud and Lucette S. Pellerin, City Clerk.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL:

V. APPROVAL OF MINUTES: June 21, 2010

Minutes were approved as written.

VI. CONSENT AGENDA

a. Capital Improvement Policy Amendment

The City recently reviewed the Capital Improvement Program (CIP), policy adopted in November 15, 1999 and revised on October 6, 2003. Amendments have been made to the document to ensure the plan more accurately reflects the procedures followed by the City in its capital improvement planning. The policy further defines the mechanisms available to the City for the funding of capital projects; revises the inventory for consistency with the city's Munis Program; and reflects the changes made by the creation of the Regional School Unit (RSU).

Councilor Lovell moved, Councilor Doucette seconded, that the City Council hereby ordains and approves the amendments to the document titled, 'City of Saco Capital Improvement Program adopted November 15, 1999 and amended October 6, 2003'. Further move to approve the Order. The motion passed with seven (7) yeas.

b. Personal Property Write Off's

The attached exhibit shows a listing of the personal property tax accounts and real estate tax bills for two mobile homes that are unpaid as of today and are recommended for write off, with narrative per item. Each business is no longer in business, and the mobile homes to be written off have been destroyed.

Councilor Mills moved, Councilor Lovell seconded, that it be Ordered that the City Council authorize writing off the personal property and real estate taxes which total \$4024.18, as identified on the document titled, 'Personal Property and Real Estate Write Off Recommendations,' dated May 21, 2010, to remove the receivable from the tax collector's records. Further move to approve the Order. The motion passed with seven (7) yeas.

VII. AGENDA:

A. (Public Hearing) Zoning Ordinance Amendment- Medical Marijuana Law

In early April the State Legislature passed a law outlining how eight marijuana dispensaries should be created in the state. The law amends the results of the November 2009 referendum legalizing medical marijuana in Maine. On April 12 the Council rejected the idea of a moratorium and asked that staff report back on the issue by mid-May. On May 10 the City Council reviewed amendments which then went before the Planning Board for a hearing on May 18.

The Planning Board modified the original draft by making some of the dispensary uses nearest residential districts a conditional use rather than a permitted use. At the Planning Board meeting Chairman Neil Schuster praised the detail of the state law and rules and said that Maine would not see "marijuana cafes" as some states have encountered.

The amendments treat medical marijuana as a new kind of medical facility, regulated by the state. The amendments would define three types of "Registered dispensary" and permitted accessory uses, and amend business and industrial zone use lists for the new uses.

Under state law, dispensaries must be non-profit with a community based board and can have growing facilities attached, or separate. The growing facilities can be grow-only facilities which must be indoors. Dispensaries cannot be within 500 feet of a school property line. There will only be one dispensary facility in York County, at least during the first year.

The dispensary must be incorporated as a nonprofit, with a board, registered with the Maine Department of Health and Human Services, and must grow its own marijuana on site or at one other location.

A May 6 memo to the City Council, the state law, new DHHS rules, a backgrounder, and some state correspondence on the law provide additional background.

The Legislature acted with two-third majority for an emergency implementation. The November 2009 referendum vote was 294,176 to 207,744 in Maine, and 4631 to 2751 in Saco. The Council held a workshop on this item on June 7th, and the First Reading was held on June 21, 2010.

Councilor Cote moved, Councilor Christenbury seconded, to open the Public Hearing on the document titled, 'Proposed Amendments to the Saco Zoning Ordinance Recommended by the Saco Planning Board, May 18, 2010 (corrected)'. The motion passed with seven (7) yeas.

Councilor Cote moved, Councilor Mills seconded, to close the Public Hearing and be it Ordered that the Second and Final Reading be scheduled for July 19, 2010. Further move to approve the Order. The motion passed with seven (7) yeas.

B. (Public Hearing) Renewal Application for a Liquor License/Entertainment Permit – Sarges Tailgate Grille

Island Brewing, LLC d/b/a The Run of the Mill has applied for renewal of a Liquor License/Entertainment Permit for a term of one year to end July 10, 2011.

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 and in accordance with Saco City Code, Chapter 93, and Entertainment sub-section 93-2.

C. (Public Hearing) Renewal Application for a Liquor License/Entertainment Permit – The Run of the Mill Pub

Sarges' Tailgate Grille, 63 Storer St., has applied for a renewal of their Liquor License/Special Entertainment Permit for a term of one (1) year to end August 8, 2011.

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 and in accordance with Saco City Code, Chapter 93, and Entertainment sub-section 93-2.

PLEASE NOTE THAT AGENDA ITEMS B AND C WERE APPROVED BY THE FOLLOWING MOTIONS MADE BY COUNCILOR LOVELL AND SECONDED BY COUNCILOR MILLS.

Councilor Lovell moved, Councilor Mills seconded to open the public hearing for Island Brewing, LLC d/b/a The Run of the Mill and Sarges' Tailgate Grille. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Lovell moved, Councilor Mills seconded, to close the public hearing and that it be ordered that the City Council grant the applications submitted by The Run of the Mill and Sarges' Tailgate Grille for a period of one year. Further move to approve the Order. The motion passed with seven (7) yeas.

C. Saco Central Fire Station Subcontractor Bid Awards

Councilor Lovell moved, Councilor Mills seconded, that it be Ordered, that the City Council authorizes the City Administrator to execute the acceptance of subcontract awards for the Concrete Ready-Mix material to F. R. Carroll, Inc., for \$57,750; the Finish Carpentry, Millwork, Casework and Counters to Trico Millworks, Inc. for \$98,500; the Roofing to SMR, Inc. for

\$104,845; the Doors, Frames and Hardware to Exactitude, Inc. for \$65,100; and the Acoustical Ceilings to Hawkes Acoustical, Inc. for \$15,200. Further move to approve the order. The motion passed with seven (7) yeas.

VIII. ADJOURNMENT

The meeting was adjourned by unanimous consent. TIME: 8:07 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk