

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the Nov. 15, 2010 Council Meeting.

I. CALL TO ORDER – On Monday, November 15, 2010, at 7:00 p.m. a Council Meeting was held in the City Hall Auditorium.

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

III. PLEDGE OF ALLEGIANCE

IV. GENERAL:

V. APPROVAL OF MINUTES:

Minutes were not presented this evening.

VI. AGENDA

A. (Public Hearing) Liquor License/ Entertainment Permit

Biddeford Saco CC d/b/a Biddeford Saco Country Club has applied for renewal of their Liquor License/Entertainment Permit 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 and in accordance with Saco City Code, Chapter 93, and Entertainment sub-section 93-2.

Councilor Tardif moved, Councilor Smith seconded to open public hearing. The motion passed with four (4) yeas.

There being no comments from the public Councilor Tardif moved, Councilor Smith seconded, to close the public hearing and grant the applications submitted by Biddeford Saco Country Club for renewal of their Liquor License and Entertainment Permit. Said permits will to expire Dec. 31, 2011. Further move to approve the Order. The motion passed with four (4) yeas.

B. (Public Hearing) Contract Zone Amendment -319 Main Street –Restaurant

Applicants Don and Jan McGarva request considerate of a contract zone that would allow them to produce and sell ice cream and baked goods for both on and off site consumption at their 319 Main St. Home. If the McGarva's are going to open such an operation, the contract zone is needed in that Zoning Ordinance views on-site consumption of food as an "Eating Establishment", which is not an allowed use in the existing B-7 zone.

Councilor Smith moved, Councilor Doucette seconded, to open the Public Hearing on the contact zone document entitled "Contract Zone Agreement by and Between Don and Janet McGarva and the City of Saco", dated September 15, 2010. The motion passed with four (4) yeas.

Councilor Doucette inquired about products being delivered to the business location. Mr. McGarva stated that all products would be picked up off site.

Councilor Smith moved, Councilor Doucette seconded, to close the Public Hearing and that it be Ordered that the Council set the Second and Final Reading of the contract zone for the property located at 310 Main Street for December 6, 2010. Further move to approve the order. The motion passed with four (4) yeas.

C. (Public Hearing) Zoning Ordinance Amendment – Articles 3 & 4, by defining "Addiction Treatment Facilities" and adding it as a conditional use in the B-6, I-1 and I-2 zones.

Applicants Don and Jan McGarva request consideration of a contract zone that would allow them to produce and sell ice cream and baked goods for both on- and off-site consumption at their 319 Main Street home. If the McGarva's are going to open such an operation, the contract zone is needed in that the Zoning Ordinance views on-site consumption of food as an "Eating Establishment," which is not an allowed use in the existing B-7 zone.

The Planning Board reviewed this item on September 15, 2010, and voted to make a positive finding on each of the four standards required for a contract zone, and forwards a positive recommendation to the Council. The Historic Preservation Commission reviewed the proposed sign for said business, on June 9, 2010, and granted a Certificate of Appropriateness. If the contract zone is approved, the project would be subject to site plan review by the Planning Board prior to opening.

Councilor Cote moved, Councilor Doucette seconded, to open the Public Hearing on the contract zone document entitled "**Contract Zone Agreement By and Between Don and Janet McGarva and the City of Saco,**" dated September 15, 2010. The motion passed with four (4) yeas.

There being no comments from the public Councilor Cote moved, Councilor Tardif seconded to close the Public Hearing and Be it Ordered that the Council set the Second and Final Reading of

the contract zone for the property located at 319 Main Street for December 6, 2010. The motion passed with four (4) yeas.

Councilor Cote moved, Councilor Tardif seconded, to approve the order. The motion passed with four (4) yeas.

D. (Public Hearing) Zoning Ordinance Amendment - § 707-5(9) pertaining to sandwich board signs in the B-3 and B-7 zoning districts.

The Saco Spirit Design Committee has proposed changes to Section 707-5(9) of the Zoning Ordinance regarding sandwich board signs that would allow downtown merchants to promote their businesses throughout the year, rather than being limited to April 1-November 1 as is currently the case. The proposal would allow such signs in front of any business in the B-3 and B-7 districts, would remove the need for an annual permit, and specifies the removal of such signs prior to and after snow storms.

The Planning Board met on October 6, 2010 and considered the proposed amendments – held a public hearing, and forwards a positive recommendation to the Council.

Councilor Doucette moved, Councilor Smith seconded to open the Public Hearing on the amendments to the Saco Zoning Ordinance included in the document: ‘**Proposed Amendments to the Saco Zoning Ordinance, Section 707-5(9), Recommended by the Saco Planning Board, October 6, 2010,**’. The motion passed with four (4) yeas.

Ms. Johanna Hoffman, 10 Pepperell Square, Chair of Saco Spirit stated her support for the Sandwich Sign Boards.

Ms. Heather Rizeakos, whose family owns the Golden Rooster, stated that the sign she has made has attracted customers to their establishment. Ms. Rizeakos felt the signs would be helpful to the merchants.

Ms. Beth Rogers, proprietor of Travel Wise, agreed that the new Ordinance would help the merchants attract business to their establishments.

Mr. Mark Johnston, 17 Elm St., proprietor of Vic and Whits supports the Ordinance with the expectation that the signs would draw patrons to the local stores.

Mr. Don Fleurant, proprietor of Vic’s Appliance, briefly discussed merchandise placed on the sidewalks directly in front of his store.

Mr. Chris Rizeakos, proprietor of the Golden Rooster was positive about the Ordinance and felt that the local establishments needed continued support from the City of Saco.

Councilor Doucette moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for December 6, 2010. The motion passed with four (4) yeas.

Councilor Doucette moved, Councilor Smith seconded, to approve the Order. The motion passed with four (4) yeas.

E. (Public Hearing) Property Assessed Clean Energy (PACE) Ordinance

The essence of the Property Assessed Clean Energy (PACE) Program is for citizens to secure low interest loans up to \$15,000 from the State to perform necessary energy saving improvements to their home.

In April, 2010, the State of Maine received approximately \$30 million dollars to create an energy efficiency loan fund. The Legislature in turn enacted a law to structure this loan fund. The Efficiency Maine Trust is administering the program and municipal participation in this fund is important to its success. For any building owner to be eligible for a loan under the program a municipality must agree to participate by enacting an ordinance.

According to Efficiency Maine, traditional PACE legislation involves direct administration by municipalities, and even though the Maine version of PACE provides for Efficiency Maine to administer the program for municipalities, the state law continues to require the passage of a PACE ordinance on a town by town basis. In the case of a property sale, PACE loans are transferable to the new owner, or can be paid off at no penalty.

A recent update from Efficiency Maine states that towns and cities representing over 20% of the Maine population have already adopted the PACE ordinance.

Councilor Doucette moved, Councilor Smith seconded, to open the Public Hearing on the ordinance titled, ‘**Chapter 161 - City of Saco Property Assessed Clean Energy (PACE) Ordinance**’. The motion passed with four (4) yeas

Mr. Mark Johnston, 17 Elm Street, spoke in favor of this new Ordinance.

Councilor Doucette moved, Councilor Smith seconded, to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for the proposed ordinance for December 6, 2010. The motion passed with four (4) yeas.

Councilor Doucette moved, Councilor Smith seconded, to approve the order. The motion passed with four (4) yeas.

F. Confirm the Mayor’s Reappointments to Boards and Commissions

The Mayor is seeking Council confirmation on the reappointment of several members of several different boards and committees:

The Mayor is seeking to have the Council confirm the reappointments of the following members:

Historic Preservation Commission - Jay St. John reappointed as a regular member of the Commission with a term to expire on June 30, 2013.

Zoning Board of Appeals: the reappointment of George Chase with a term to expire on September 15, 2015; and George Starr, Jr. with a term to expire on May 30, 2015.

Economic Development Commission: The reappointment of Roger Johnson with a term to expire on April 15, 2015.

Councilor Cote moved, Councilor Doucette seconded, that it be Ordered that the City Council confirm the Mayor's reappointments of Jay St. John to the Historic Preservation Commission; George Chase and George Starr Jr. of the Zoning Board of Appeals; and Roger Johnson to the Economic Development Commission; with terms ending respectively: June 30, 2013, September 15, 2015, May 30, 2015, and April 15, 2015. Further move to approve the Order. The motion passed with four (4) yeas.

G. Election Results

The election results are being submitted to Council for Certification as required by Section 7.03 b. of the Charter of the City of Saco.

Councilor Cote moved, Councilor Doucette seconded, that it be Ordered that the City Council hereby approve the results of the November 2, 2010 Municipal Referendum Election as presented. The motion passed with four (4) yeas.

VII. ADJOURNMENT

Councilor Tardif moved, Councilor Doucette seconded, to adjourn. The motion passed with four (4) yeas. TIME: 8:07 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk