

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

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

I. CALL TO ORDER – On Monday December 6, 2010, at 7:00 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 Marston Lovell. Mr. Rick Michaud, City Administrator and Lucette S. Pellerin, City Clerk were also present.

II. PLEDGE OF ALLEGIANCE

III. GENERAL:

IV. APPROVAL OF MINUTES: 10/04/2010, 10/18/2010, 11/01/2010 and 11/15/2010

Minutes were deferred to the December 20, 2010 Meeting.

VI. AGENDA

A. (First Reading) GA Maximum Increase 2010-2011

Each year Maine Municipal Association presents municipalities with new Appendixes for their City Ordinance, which needs to be reviewed and adopted. Municipalities should adopt the new maximums (Appendixes) by October 1st or as soon as possible thereafter. The levels in the Overall Maximums – Appendix A, as well as the Housing Maximums – Appendix C are the same as they were for 2009-2010. This is because the annual increase in the federal poverty levels is a factor in the statutory formula used for calculating the overall maximums. This year was slightly unusual in that the federal government did not increase the federal poverty levels from last year. Also, the Food Maximums – Appendix B, are the same as the USDA 2010-2011 Thrifty Food Plan and were not increased this year.

Councilor Tardif moved, Councilor Smith seconded, that the City of Saco hereby approves the First Reading of the amendment to the Saco Code, Chapter 112, General Assistance Program, Appendix A – Overall Maximums, Appendix B – Food Maximums, and Appendix C – Housing Maximums, and further move to set a Public Hearing for December 20, 2010. The motion passed with seven (7) yeas.

B. (Second & Final Reading) 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.

Methadone clinics are not currently defined or regulated by the zoning ordinance. This proposal would identify such facilities as ‘Addiction Treatment Facilities’. In the Planning Board proposal, they would be permitted in the B-6, I-1 and I-2 zoning districts.

The Planning Board considered the proposed amendments at the Public Hearing on September 15, 2010, and forwards a positive recommendation for both proposed use and locations.

The Council discussed this item at Workshop on October 18, 2010; and at the First Reading on November 1, 2010, councilors indicated that they plan amendments to eliminate the B-6 district from the proposal.

Councilor Cote moved, Councilor Lovell seconded, that the City of Saco hereby ordains and approves the Second and Final Reading for the amendments to the Saco Zoning Ordinance included in the document: ‘Proposed Amendments to the Saco Zoning Ordinance Recommended by the Saco Planning Board, September 15, 2010,’ with the following amendment discussed by the Council at the October 18, 2010 workshop: The B-6 zone is deleted from the list of zoning districts for which the proposed use of “Addiction Treatment Facility” would be allowed as a Conditional Use, as follows:

**410-9 A. B-6 HIGHWAY BUSINESS AND COMMERCIAL
CONDITIONAL USES**

15. Addiction Treatment Facility, for December 6, 2010.

Further move to approve the order. The motion passed with six (6) yeas and one (1) nay. Councilor Smith voted in the negative.

C. (Second & Final Reading) 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.

MAIN MOTION: Councilor Mills moved, Councilor Smith seconded, that the City of Saco hereby ordains and approves the Second and Final Reading of 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, as amended, passed with six (6) yeas and one (1) nay. Councilor Tardif voted in the negative.

AMENDMENT TO MAIN MOTION: Councilor Mills moved, Councilor Smith seconded, that it be ordered that the City Council approve the following amendment of §707-5(9):

§707-5(9) last sentence delete ~~during the process of snow removal~~ and add: nor is the City of Saco responsible for any harm to people or property consequence of a sign being placed on public property. Further move to approve the amendment. The motion passed with seven (7) yeas.

**“Proposed Amendments to the Saco Zoning Ordinance, Section 707-5(9),
Recommended by the Saco Planning Board, October 6, 2010”**

(Please note: underline represents new language, while ~~strikethrough~~ represents language to be deleted.)

Amend Article 7, Section 707-5(9), by amending as follows:

707-5(9) One small A-frame sandwich board sign may be placed ~~between April 1 and November 1~~ on the sidewalks in front of any business ~~on Main Street, Beach Street, and in Pepperell Square,~~ in the B-3 and B-7 districts. Such signs shall be taken in each day before the close of business. Such signs shall not exceed 30 inches in width and 42 inches in height, and shall be placed only in locations where the sidewalk is wide enough to allow four feet for passage. Such signs shall be constructed of exterior grade plywood, such as MDO, or of other durable materials intended for exterior use, be of sturdy construction, and shall be weighted to prevent them from blowing over. All such signs shall be neatly painted, not illuminated, and subject to review under the Historic Preservation section of this ordinance. ~~An annual permit shall be obtained each year to assure compliance.~~ The city may remove from public property any A-frame sign which is not in compliance with this ordinance. Signs, merchandise and other objects used for marketing must be removed prior to and 24 hours after any snow event to allow for municipal snow removal efforts. The City is not responsible for any signs, merchandise or other objects damaged during the process of snow removal.

**D. (Second & Final Reading) 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, that the City of Saco hereby ordains and approves the Second and Final Reading of the ordinance titled, 'Chapter 161 – City of Saco Property Assessed Clean Energy (PACE) Ordinance. The motion passed with seven (7) yeas.

VII. CONSENT AGENDA:

a. Confirm the Mayor's Appointments to the Coastal Waters & Conservation Commission

Confirm the Mayor's appointment of John E. Nickerson III to the Coastal Waters Commission to fulfill Michael Gray's term which expires on February 1, 2012; and further confirm the Mayor's appointments of Sue Emmons and Dr. James Galasyn to the Conservation Commission as associate members for three (3) year terms to expire on December 5, 2013.

b. Application for License to Operate Games of Chance – Biddeford Saco Elks 1597

Grant the Biddeford-Saco Elks Licenses to operate the following Games of Chance: Cribbage and Beano from Jan. 1, 2011 to Dec. 31, 2011; Daily Attendance and Pull Tickets from Jan. 1, 2011 to March 31, 2011

Councilor Smith moved, Councilor Lovell seconded, to approve Consent Agenda items A and B. The motion passed with seven (7) yeas.

Councilor Christenbury requested that item c be pulled from the Consent Agenda and voted upon separately.

c. Election Day Traffic Report

MAIN MOTION: Councilor Cote moved, Councilor Tardif seconded, to authorize holding all 2011 elections at the Community Center at 75 Franklin Street and further direct the traffic safety Committee to prepare an updated traffic and parking plan to improve upon the existing plan and provide a report back to Council. The main motion **as amended** passed with six (6) yeas and one (1) nay. Councilor Christenbury voted in the negative.

AMENDMENT TO MAIN MOTION: Councilor Cote moved, Councilor Tardif seconded, to look into additional parking at the Reserve Center and to implement a right turn lane on North Street from Franklin St. The motion passed with six (6) yeas and one (1) nay. Councilor Christenbury voted in the negative.

VIII. Mayor Michaud requested a recess to the Conference Room. TIME: 7:24 p.m.

IX. RECONVENE THE MEETING at 8:30 p.m.

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 Marston Lovell. City Administrator Rick Michaud

A. Second & Final Reading) Contract Zone Amendment – 319 Main Street, Restaurant

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 Smith moved, Councilor Mills seconded, the second reading and final adoption of the contract zone document entitled "Contract Zone Agreement by and Between Don and Janet McGarva and the City of Saco" dated September 15, 2010 with the following amendment to the Contract Zone Agreement #8:

During that portion of any given year that the Retail Use is open for business, no recreational vehicle (RVs) shall be parked on the premises. The Applicants have stated that the Retail Use would typically operate May through September.

The motion passed with seven (7) yeas.

X. ADJOURNMENT

Councilor Tardif moved, Councilor Smith seconded, to adjourn. The motion passed with seven (7) yeas. TIME: 8:31 p.m.

ATTEST: _____
Lucette S. Pellerin, City Clerk