

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

The following are minutes of the May 16, 2011 Council Meeting.

- I. **CALL TO ORDER** – On Monday, May 16, 2011, at 7:07 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, Philip Blood, Arthur Tardif, Eric Cote and Marston Lovell. Also in attendance this evening were City Administrator Rick Michaud and Lucette S. Pellerin, City Clerk.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL: ARBOR WEEK PROCLAMATION

V. APPROVAL OF MINUTES: 04/25/2011; 05/02/2011

Minutes for the April 25, 2011 and May 2, 2011 meetings were approved as written.

VI. AGENDA:

- a. **(PUBLIC HEARING) CONTRACT ZONE: RETAIL BUSINESS 97 BUXTON ROAD, MAP 97, LOT 13**

Applicants Peter Scontras, Maynard Cousens and Donald Cousens propose a contract zone that would allow Mr. Scontras to establish a “Retail Business including Outdoor Sales” in the Way Way store at 97 Buxton Road. The Cousens closed the store in 2003, and its grandfathered status ended a year later. In order to establish this use in the R-1d zone, the best alternative for the applicants is a contract zone.

Councilor Smith moved, Councilor Lovell seconded, and to open the Public Hearing on the document titled, ‘Contract Zone Agreement By and Between Peter Scontras, Maynard Cousens, Donald Cousens and the City of Saco’ dated April 5, 2011. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Smith moved, Councilor Lovell seconded, to close the Public Hearing and Be it ordered that the City Council set the Second and Final Reading on the document titled, ‘Contract Zone Agreement By and Between Peter Scontras, Maynard Cousens, Donald Cousens and the City of Saco,’ dated April 5, 2011 for May 23, 2011. Further move to approve the Order. The motion passed with seven (7) yeas.

b. (PUBLIC HEARING) CAMP ELLIS PARKING FEES

Beginning in May of 2011, the Camp Ellis Parking lot will be served by a "Pay and Display" parking meter that will replace the parking attendants. This change will require a change in the hourly fee since the current fee schedule has a different fee for both residents and non-residents. The new parking meter will not be able to determine residency and will require one fee be established for residents and non-residents. The current fee is \$1.00 per hour for residents and \$2.00 for non-residents. The fees are double for car and trailer at \$2.00 and \$4.00 per hour.

Councilor Blood moved, Councilor Doucette seconded, to open the Public Hearing on Fee Increases for Parking at Camp Ellis Pier. The motion passed with seven (7) yeas.

Ms. Barbara Field, 16 Charles Street, stated that she opposed the increase.

Councilor Blood moved, Councilor Doucette, seconded, to close the Public Hearing and be it ordered that the City Council approve the document titled 'City of Saco Fee Schedule for Chapter 118 Harbor/Waterfront dated May 16, 2011', effective for the 2011 season. Further move to approve the Order. The motion passed with seven (7) yeas.

c. (PUBLIC HEARING) CONTRACT ZONE AMENDMENT: VOLUNTEERS OF AMERICA

The City Council approved on August 3, 2009 a contract zone that would allow Elderly Congregate Housing (ECH) on a portion of the property at 439 Main Street. The applicant was Volunteers of America Northern New England (VOANNE). The approval lapsed after one (1) year as VOA lined up funding for the project. The applicant now asks that re-approval of the contract zone be considered.

The only change in the agreement, other than the date, is specifying 31 elder units. The earlier agreement allowed up to 40, but the number has now been pinned down as financing has been finalized.

Councilor Cote moved, Councilor Mills seconded, to open the public hearing on the contract zone document entitled "Contract Zone Agreement By and Between Volunteers of America Northern New England and the City of Saco," dated April 26, 2011. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Cote moved, Councilor Mills seconded, to close the public hearing and be it ordered that the Council set the Second and Final Reading for May 23, 2011. Further move to approve the Order. The motion passed with seven (7) yeas.

d. (PUBLIC HEARING) LIQUOR LICENSE RENEWAL KERRYMEN PUB

The Kerryman Pub, 512 Main St. has applied for a renewal of their Liquor License/Special Entertainment Permit for a term of one (1) 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 Cote moved, Councilor Mills seconded, to open public hearing. The motion passed with seven (7) yeas.

There being no comments from the public Councilor Cote moved, Councilor Mills seconded, to close the public hearing and grant the renewal applications submitted by The Kerry-men Pub for a Liquor License and Entertainment permit for the period of one (1) year. Further move to approve the Order. The motion passed with seven (7) yeas.

e. RSU 23 BUDGET WARRANT

The Regional School Unit No. 23 composed of the City of Saco and the Towns of Dayton and Old Orchard beach, State of Maine submit the Warrant To Call Regional School Unit No. 23 Referendum. Said Referendum Election will be held on June 7, 2011.

Councilor Mills moved, Councilor Lovell seconded, to approve the Notice of Election for the Budget Validation Referendum Election scheduled for June 7, 2011. The motion passed with seven (7) yeas.

VII. CONSENT:

Councilor Cote requested that Items A and B be discussed separately.

c. SACO HOUSING AUTHORITY CONTRACT FOR SERVICES

Acting as the Saco Housing Authority, authorize the City Administrator to enter into a contract with the Biddeford Housing Authority, entitled: "Agreement for Administration of the Saco Housing Authority Section 8 Housing Choice Voucher Program by the Biddeford Housing Authority.

Councilor Lovell moved, Councilor Doucette seconded, to approve Item C of the consent Agenda. The motion passed with seven (7) yeas.

a. HEALTH INSURANCE PREMIUM CONTRIBUTIONS FOR NON-UNION EMPLOYEES

Effective July 1, 2011, the city and the employees will split the cost of health insurance monthly premiums on an eighty (80%) percent City and twenty (20%) percent employee basis.

Councilor Lovell moved, Councilor Tardif seconded, that it be ordered that the City Council authorize, effective July 1, 2011, the city and the employees will split the cost of health insurance monthly premiums on an eighty (80%) percent City and twenty (20%) percent employee basis. The motion passed with four (4) yeas and three (3) nays. Councilors Mills, Blood and Cote voted in the negative.

b. (SECOND & FINAL READING) CHAPTER 172 REGISTRATION INCENTIVE PLAN

Revisions in the Code, specifically Chapter 172 are designed to attract new and further business in the Saco Auto Mile Area. The Deputy Treasurer has been working to enhance the city’s ability to attract new and repeat business in the Saco Auto Mile area, in particular with regards to car rental agencies. The focus of Chapter 172, Registration Incentive Program is to encourage Enterprise (EAN) and other similar businesses to continue to work with Saco in registering their fleets.

Councilor Lovell moved, Councilor Blood seconded, that the City Council hereby ordains and approves the Seconded and Final Reading of the amended document titled, “Code Amendment to Chapter 172 Registration Incentive Plan, April 11, 2011. The motion passed with seven (7) yeas.

Code Amendment - CHAPTER 172 REGISTRATION INCENTIVE PLAN, April 11, 2011”

Language that is underlined is new language with ~~striketrough~~ was deleted.

(Please note underline represents new language)

§ 172-1 Findings and Purpose	§ 172-4 Amount
§ 172-2 Definition	§ 172-5 Qualification
§ 172-3 Incentive Program	§ 172-6 Payment

History: Adopted by the City Council of the City of Saco on _____, 2011.

§ 172-1 Findings and Purpose

A. Findings. The City Council has taken note that a significant portion of Saco’s economic activity and growth has occurred along the Route 1 corridor, a portion of which is commonly called the “Saco Auto Mile”. Substantial numbers of people (many from outside Saco, and even some from outside of Maine) come to Saco to see cars, and shop at the Auto Mile. These visitors can and do spend money throughout the community, and the economic effect of the Auto Mile is both significant and beneficial to the City. The Corridor provides jobs for citizens, results in direct taxes paid to the City, and promotes income for other businesses located in the area. The Council finds that an economic cluster has been created here around the automobile industry, including establishments involved in sales, repair, parts sales, rental, transportation, and other aspects of the automotive industry. The Council also finds that auto related businesses located within the Auto Mile have little if any detrimental impact upon the City. The Council finds that

the business of car sales and car leasing is particularly beneficial to Saco, ~~as the consumers, in most cases, take the vehicle outside of the City thereby limiting burdens on our roads, and other infrastructure.~~

B. Purpose. The Council establishes this ordinance for the express purpose of encouraging businesses to expand their operations and/or locate ~~near or within the Saco, Auto Mile~~ and all other businesses, by promoting the number of vehicle ~~car~~ registrations within Saco, ~~and strengthening the allied automotive businesses here in Saco.~~

§ 172-2 Definitions. The following terms shall have the meanings defined below:

EXCISE TAX – That fee paid by the owner of a motor vehicle to the City of Saco for the yearly registration of said vehicle as required by 36 MRS Section 1482; as amended, from time to time.

INCENTIVE PAYMENT - A figure calculated and based upon the actual Excise Tax fees paid on vehicles registered in Saco by the Applicant.

OFFICE – Shall mean a place of business open to the public during regular hours, staffed by 2 or more persons, with a working, advertised telephone number.

VEHICLE – Truck, car or other motor vehicle which is held out to the public for use sale, or for lease by the day, week or month, or that is otherwise based, stored and operated out of Saco as part of the enterprise's businesses operations.

§ 172-3 Incentive Program. An enterprise with a place of business or operations in Saco will be eligible for, and may apply for, an incentive payment for a vehicle kept, stored or based in Saco, Maine provided the conditions set forth below in Section 172-5 are met. The Finance Office of the City shall be authorized and empowered to effectuate this incentive program, and it shall report each year to the City Administrator as to those funds received, and the funds appropriated hereunder.

§ 172-4 Amount. The amount of the incentive will be as follows:

- A. Two percent (2%) on the first 500 vehicles registered in Saco
- B. Three percent (3%) on the next 500 vehicles registered in Saco
- C. Four percent (4%) on the next 500 vehicles registered in Saco
- D. Five percent (5%) on each vehicle thereafter registered in Saco

§ 172-5 Qualification. Applicants that have registered at least 10 vehicles in Saco may qualify for an incentive payment if they meet the conditions found below in both Section A and Section B, provided:

- A. The Party can conclusively establish that it has for the course of the prior year maintained a business or office in Saco, Maine. Said business or office must be open during regular business hours and must have an advertised working telephone number; and

B. That the Party has increased its employment at its Saco office by at least one half time position over the prior year, or 2) that it has increased the number of vehicles it registered in Saco by 5% over the prior year, or 3) that it has registered at least 100 vehicles over the course of the year, or 4) that it has expanded its operations and physical facilities within Saco by \$25,000 in new property value. ~~by a significant and~~ measurable amount.

§ 172-6 Payment. The City shall calculate the incentive program June 30 of each year by reviewing those registrations paid by the applicant between July 1 of the prior year and June 30 of the then current year. If the conditions set forth in Section 172-5 A and B are both met, the City shall pay the incentive fee 30 days thereafter from a designated fund.

VIII. ADJOURMENT

Councilor Mills moved, Councilor Blood seconded, to adjourn. The motion passed with seven (7) yeas.
TIME: 7:50 p.m.

ATTEST: _____
Lucette S. Pellerin, MMC/CCM
City Clerk