STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, September 6, 2011 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, Philip Blood, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Rick Michaud was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL:
A. PROCLAMATION: PAIN AWARENESS MONTH

Representative to Legislature Linda Valentino and Donald Pilon, and U.S. Senator Olympia Snowe recognized the proclamation by Paul R. LePage, Governor of the State of Maine, which proclaims the month of September 2011 as ‘Pain Awareness Month’ throughout the State of Maine, and urges all citizens to recognize this observance.

B. GOVERNMENT FINANCE OFFICERS ASSOCIATION – COMPREHENSIVE ANNUAL FINANCIAL REPORT AWARD TO THE CITY OF SACO, ACCEPTED BY THE FINANCE DIRECTOR

The Certificate of Achievement for Excellence in Financial Reporting has been awarded to the City of Saco by the Government Finance officers Association of the United States and Canada (GFOA) for its comprehensive annual financial report (CAFR) for Fiscal Year Ended June 30, 2010. The Certificate of Achievement is the highest form of recognition in the area of government accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. Finance Director Cheryl Fournier accepted the award on behalf of the City of Saco.

C. 25th YEAR EMPLOYEE ANNIVERSARY – CORPORAL MICHAEL MAKsut

On September 15, 2011 Corporal Michael Maksut will celebrate his 25th year anniversary with the Saco Police Department. Mike began his law enforcement career with the Old Orchard Beach Police Dept. as a summer reserve. Saco’s Chief Richard Nason recognized a good officer in Mike and recruited him for Saco’s Police Dept. He is one of the original members of the police Special Weapons and Tactics (SWAT) team when it was formed back in 1989, and holds the reputation of being someone you can always count on when things get tough. In 1998 Mike’s hard work was recognized as he was promoted to Corporal. In 2008 Mike received a Blue Shield Award for apprehending an armed bank robber at gunpoint, taking quick action that placed him in harm’s way to keep bystanders from being endangered. Mayor Michaud noted that this was a distinguished accomplishment, and that it is a pleasure and an honor to celebrate this achievement with Michael tonight.

D. MAINE TOWN AND CITY MANAGEMENT ASSOCIATION RECOGNIZES CITY ADMINISTRATOR RICHARD MICHAUD FOR 30 YEARS OF SERVICE TO LOCAL GOVERNMENT AS A MANAGER OR ADMINISTRATOR IN THE STATE OF MAINE

On August 24, 2011, City Administrator Rick Michaud was recognized by the Maine Town and City Manager’s Association (MTCMA) for 30 years of public service as an Administrator and Manager and for his outstanding devotion to duty and loyalty to the Manager’s Association and for contributing immeasurably to the improvement of local government.

Rick holds a Master of Public Administration from the University of Maine in Orono-receiving his degree in 1977. He is also a graduate of the Dale Carnegie Course-received in 1998. He has held more professional memberships
and committed to more volunteer experience than we can take time to name. In 1993, Rick co-authored the book ‘The Manager Plan in Maine’, which is used by many new managers as a must have handbook.

Mayor Michaud noted that the City of Saco was fortunate to have recruited Rick from Rockland as the City Administrator in 1999, and we know his great record of accomplishment and civility her in Saco. Thirty years of public service is an exceptional milestone and we are fortunate to have Rick’s wealth of experience and leadership for our City.

E. PROCLAMATION – CONSTITUTION WEEK

Mayor Michaud declared September 17th through 23rd as Constitution week in the City of Saco. He urged all citizens to study the Constitution, and reflect on the privilege of being an American with all the right and responsibilities which that privilege involves.

V. APPROVAL OF MINUTES: AUGUST 1, 2011

The minutes of August 1, 2011 were approved as written.

VI. AGENDA:
   A. APPOINTMENT – REGISTRAR OF VOTERS

Councilor Tardif moved, Councilor Mills seconded, ‘Be it Ordered that the City of Saco appoint Michele L. Hughes as the Registrar of Voters for a term of two (2) years. Said term shall be from September 6, 2011 to December 31, 2012’. Further move to approve the Order. The motion passed with seven (7) yeas.

B. ZONING ORDINANCE AMENDMENT – COMPREHENSIVE PLAN IMPLEMENTATION – DOWNTOWN ZONING – (PUBLIC HEARING)


At the Second and Final Reading on September 19, 2011 – there will be an amendment to vote on:


‘Amendments to Zoning Ordinance to Implement the Recommendations of the City’s Adopted Comprehensive Plan with Respect to the Downtown Zoning Districts’

Proposed additions to the ordinance are underlined; proposed deletions are struck through.

1. Amend Section 302. Meaning of Words to add definitions of Adult Day Services and Bedroom in proper alphabetical order to read:

   Adult Day Services: A group program of care, therapeutic activities and supervision licensed by the State of Maine and maintained or carried out on a regular basis by a person or persons in a private dwelling or other facility, for consideration, for any part of a day, for at least two (2) hours a day, for more than two (2) adults...
nineteen (19) years of age or older, who are not blood relatives and are coming to the facility for up to seven (7) days a week for the express purpose of participating in this program.

**Bedroom:** A room within a dwelling unit that is arranged or designed to be used for sleeping or that is in fact regularly used for sleeping and that is separated from other rooms by one or more doors. Any room that is suitable to be used as a bedroom and is physically separate from other rooms and that has a closet and an egress window meeting the requirements of the building code is considered to be a bedroom for the purpose of determining the allowed density of development or required minimum lot area.

2. **Amend Section 403 in Article 4 District Regulations to read:**

**Section 403. Zoning Districts**

The city is divided into the districts stated and described in this Ordinance and as shown by the district boundary lines on the Official Zoning Map. The district classifications are:

- **RESIDENTIAL DISTRICTS:**
  - R-1 Low Density District
  - R-2 Medium Density District
  - R-3 High Density District
  - R-4 General Residential District
  - MHP Mobile Home Park Overlay District

**MIXED-USE DISTRICTS**

- MU-1 Downtown Residential Mixed-Use District
- MU-2 Elm Street Gateway District

**BUSINESS DISTRICTS:**

- B-1 General Business Scamman Street Shopping Center District
- B-2 Highway Business District
- B-3 Downtown Business District
- B-4 Planned Development District
- B-5 Marine Business and Residential
- B-6 Highway Business and Commercial District
- B-7 Limited Business/Residential District

**BP Business Park District**

- B-8 Front Street Waterfront District

**INDUSTRIAL DISTRICTS:**

- I-1 Industrial Park District
- I-2 Industrial Business District
3. Amend Article 4 District Regulations by adding a new section 405A to create purpose statements for the new mixed-use districts to read as follows:

Section 405A. Mixed-Use Districts: Purposes

Districts designated as mixed-use districts are intended to accommodate both residential uses and a range of non-residential uses depending on the specific purpose of each district. The intention of these districts is to allow for a mix of residential and non-residential activity in a manner that provides a quality environment for all uses. The specific purpose of each of the mixed-use districts is as follows:

405A-1. MU-1 DOWNTOWN RESIDENTIAL MIXED-USE DISTRICT

The MU-1 classification is intended to allow older residential neighborhoods in the downtown area to remain predominantly residential with a mix of housing types while allowing for the reuse of existing buildings as well as limited redevelopment that allows for an increase in the amount of non-residential use such as small-scale specialty retail uses, services, restaurants, and business and professional offices especially on the first floor of mixed-use buildings. At the same time, the amount of residential use in the neighborhood is maintained or increased as a result of more intensive use of existing buildings and limited redevelopment. The overall scale and character of rehabilitated or new buildings should be compatible with the established character of the neighborhood.

405A-2. MU-2 ELM STREET GATEWAY DISTRICT

The MU-2 classification is intended to allow the Elm Street corridor to evolve as a mixed-use area that becomes an attractive gateway to the City. Its role as an auto-oriented commercial area diminishes over time as its residential and local service functions re-emerge. At the same time, the character of the area evolves into a more urban, attractive, pedestrian-friendly environment as existing properties are improved and redevelopment occurs. New buildings and changes to existing buildings are well designed. Buildings are located closer to the street. Where possible, the space between the sidewalk and the building is used for pedestrian amenities or landscaping rather than motor vehicle facilities or parking. Parking and vehicle service areas are located to the side or rear of buildings where feasible.

4. Amend Article 4 District Regulations by revising the purpose statement for the B-1 District in 406-1 to read as follows:

406-1. B-1 SCAMMAN STREET SHOPPING CENTER GENERAL BUSINESS DISTRICT

The B-1 District is intended to allow the existing shopping center to continue to be a vibrant community/neighborhood retail and service center that complements Downtown and primarily serves residents of the community and neighboring areas while encouraging the center to evolve so that it is better integrated into the larger downtown area with improved pedestrian access. Classification permits uses which...
would normally require more space than is available in an urban core area. The purpose of this district is to encourage desirable businesses in proximity to the urban core where they may be readily accessible and to provide a variety of lot sizes and building types not generally available in the central business district.

5. Amend Article 4 District Regulations by adding a new section 406-9 to create a purpose statement for the new B-8 District to read as follows:

406-9. B-8 FRONT STREET WATERFRONT DISTRICT

The B-8 classification is intended to provide an area in close proximity to Downtown for uses and activities that need access to the waterfront or that serve marine-related activities.

6. Amend Article 4 District Regulations by revising section 410-5. that specifies the allowed uses in the B-1 District to read:

410-5. B-1 SCAMMAN STREET SHOPPING CENTER GENERAL BUSINESS DISTRICT

1. Single family dwellings
2. Two family dwellings
3. Elderly congregate housing
4. Multi-family dwellings
5. Dwelling units above the first floor in a mixed-use building
25. Home occupations
36. Retail businesses excluding outdoor sales
47. Eating establishments, excluding fast food restaurants
58. Eating and drinking establishments
69. Hotels and motels
10. Tourist homes
74. Financial institutions
84. Business offices
9. Professional offices
10. Personal services
11. Business services
12. Repair services
13. Artist or craftsperson studio
14. Health club
15. Office of a contractor or tradesman
20. Funeral homes
16. Health care clinics for humans
17. Veterinarian offices
18. Places of worship Churches
19. Public and private schools
20. Commercial schools
21. Essential services
22. Accessory uses
23. Municipal uses
25. Bed and breakfast establishments (Amended 9/5/85)
31. Home babysitting service (Amended 8/1/88)
26. Day care center (Amended 8/1/88)
27. Adult day service center. Type 1 and 2 (Amended 7/1/91)
28. Nursery school (Amended 7/6/93)
36. Nursing homes
297. Quasi-municipal or public uses
38. One accessory apartment in a single family dwelling (Amended 10/20/08)

CONDITIONAL USES

1. Boarding homes
2. Gas stations (Amended 4/7/03)
3. Gasoline sales accessory to a retail use (Amended 4/7/03)
4. Auto repair garages
5. Car washes
6. Private clubs
7. Commercial recreation
8. Indoor recreation (Amended 4/7/03)
9. Public utility buildings
10. Registered dispensary, non-growing
11. Quasi-public uses
12. Private clubs
13. Municipal uses not listed under permitted uses
14. Public utility buildings
15. Water recreation including piers, docks, and boathouses related thereto
16. Commercial recreation
17. Indoor recreation (Amended 4/7/03)
18. Marinas
19. Commercial fisheries and related sales
20. Water recreation including piers, docks, and boathouses related thereto
21. Eating establishments excluding fast food restaurants
22. Eating and drinking establishments
23. Business offices
24. Professional offices
25. Financial institutions excluding drive-thru service
26. Business services
27. Personal services
28. Repair services
29. Artist or craftsperson studios

7. Amend Article 4 District Regulations by adding a new section 410-4A. MU-1 DOWNTOWN RESIDENTIAL MIXED-USE DISTRICT to read:

**410 -4A. MU-1 DOWNTOWN RESIDENTIAL MIXED-USE DISTRICT**

PERMITTED USES

1. Single family dwelling (existing as of April 1, 2011)
2. Two family dwellings
3. Multi-family dwellings
4. Elderly congregate housing
5. Dwelling units above the first floor in a mixed-use building
6. One accessory apartment in a single family dwelling
7. Home occupations
8. Retail businesses excluding outdoor sales and drive-thru service
9. Eating establishments excluding fast food restaurants
10. Eating and drinking establishments
11. Business offices
12. Professional offices
13. Financial institutions excluding drive-thru service
14. Business services
15. Personal services
16. Repair services
17. Artist or craftsperson studios
18. Commercial schools
19. Health care clinics for humans
20. Home babysitting service
21. Day care home
22. Bed and breakfast establishments
23. Places of Worship
24. Municipal uses
25. Quasi-municipal or public uses
26. Public utility buildings
27. Essential services
28. Accessory uses
29. Any use permitted in the Resource Protection District

CONDITIONAL USES

1. Offices of contractors and tradesmen
2. Registered dispensary, non-growing
3. Health clubs
4. Private clubs
5. Nursery School
6. Day care center
7. Adult day services
8. Commercial parking lots
9. High Voltage Transmission Lines

Note 1 – Each retail or service establishment or use is limited to a maximum of four thousand five hundred (4,500) square feet of floor area

8. Amend Article 4 District Regulations by adding a new section 410-4B. MU-2 ELM STREET GATEWAY DISTRICT to read:

410-4B. MU-2 ELM STREET GATEWAY DISTRICT

PERMITTED USES

1. Single family dwelling
2. Two family dwellings
3. Multi-family dwellings
4. Elderly congregate housing
5. Dwelling units above the first floor in a mixed-use building
6. One accessory apartment in a single family dwelling
7. Home occupations
8. Retail businesses excluding outdoor sales and drive-thru service
9. Eating establishments excluding fast food restaurants
10. Eating and drinking establishments
11. Business offices
12. Professional offices
13. Financial institutions
14. Business services
15. Personal services
16. Repair services
17. Artist or craftsperson studios
18. Health care clinics for humans
19. Home babysitting service
20. Day care home  
21. Bed and breakfast establishments  
22. Places of worship  
23. Municipal uses  
24. Quasi-municipal or public uses  
25. Public utility buildings  
26. Essential services  
27. Accessory uses  
28. Any use permitted in the Resource Protection District

CONDITIONAL USES

1. Offices of contractors and tradesmen  
2. Registered dispensary, non-growing  
3. Adult day services  
4. Commercial schools  
5. Gas stations (only on lots used for this purpose on April 1, 2011)  
6. Gasoline sales accessory to a retail use (only on lots used for this purpose on April 1, 2011)  
7. Auto repair garages (only on lots used for this purpose on April 1, 2011)  
8. High voltage transmission lines

Note 1 – Each retail or service establishment or use is limited to a maximum of four thousand five hundred (4,500) square feet of floor area

9. Amend Article 4 District Regulations by adding a new section 410-10A. B-8 FRONT STREET WATERFRONT DISTRICT to read:

410-10A. B-8 FRONT STREET WATERFRONT DISTRICT

PERMITTED USES

1. Marinas  
2. Boat building and repair facilities  
3. Excursion and charter boat terminals  
4. Water-based recreation  
5. Piers, docks, boathouses, and port facilities  
6. Business offices  
7. Professional offices  
8. Business services  
9. Repair services  
10. Artist or craftsperson studios  
11. Offices of contractors and tradesmen  
12. Dwelling units above the first floor in a mixed-use building  
13. Home occupations  
14. Eating establishments excluding fast food restaurants  
15. Eating and drinking establishments  
16. Home babysitting service  
17. Bed and breakfast establishments  
18. Places of worship  
19. Municipal uses  
20. Quasi-municipal or public uses  
21. Public utility buildings  
22. Essential services  
23. Accessory uses

CONDITIONAL USES

1. Health clubs
2. Private clubs
3. High voltage transmission lines

10. Amend Table 412.1: Minimum Lot and Yard Requirements by revising the column for the B-1 District to read:

A. MINIMUM LOT AREA (Sq. Ft.)
   (1) sewered 7,500
   (2) unsewered NA

B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.)
   (1) Single Family sewered 7,500
   (2) Two Family sewered 5,000
   (3) Multi-family sewered 5,000
   unsewered NA

C. MINIMUM STREET FRONTAGE (Feet)
   (1) sewered 50
   (2) unsewered 100

D. MINIMUM DEPTH FRONT YARD (Feet)
   (1) sewered 15
   (2) unsewered 25

E. MINIMUM WIDTH SIDEYARD AND REARYARD (Feet)
   (1) sewered 15
   (2) unsewered 10

F. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet)
   (1) sewered 75
   (2) unsewered 25

H. MAXIMUM LOT COVERAGE (%)
   (1) sewered 50
   (2) unsewered 90

I. MAXIMUM HEIGHT (Feet)
   (1) sewered 35
   (2) unsewered 60

17. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 2 bedrooms and less than 800 SF of total floor area, the requirement is 3,000 SF of lot area per unit and for dwelling units with more than 2 bedrooms or more than 800 SF of total floor area regardless of the number of bedrooms, the requirement is 4,000 SF of lot area per unit.

11. Amend Table 412.1: Minimum Lot and Yard Requirements by adding columns for the MU-1 and MU-2 Districts to read:

A. MINIMUM LOT AREA (Sq. Ft.)
   (1) sewered 3,000
   (2) unsewered NA

B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.)
   (1) Single Family sewered 3,000
   (2) unsewered NA
15. All development in the MU-1 and MU-2 Districts including the alteration, reconstruction, or expansion of existing buildings is subject to the additional requirements of Section 729.

16. The lot area per dwelling unit requirement varies with the size of the unit. For dwelling units with not more than 2 bedrooms and less than 800 SF of total floor area, the requirement is 1,400 SF of lot area per unit and for dwelling units with more than 2 bedrooms or more than 800 SF of total floor area regardless of the number of bedrooms, the requirement is 2,000 SF of lot area per unit.

12. Amend Table 412.1: Minimum Lot and Yard Requirements by adding a column for the B-8 District to read:

<table>
<thead>
<tr>
<th></th>
<th>B-8</th>
<th>B-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. MINIMUM LOT AREA (Sq. Ft.)</td>
<td>4,000</td>
<td>7,500</td>
</tr>
<tr>
<td>(1) sewered</td>
<td>4,000</td>
<td>7,500</td>
</tr>
<tr>
<td>(2) unsewered</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>B. MINIMUM LOT AREA PER DWELLING UNIT (Sq. Ft.)</td>
<td>6,000</td>
<td>3,750</td>
</tr>
<tr>
<td>(1) Single Family</td>
<td>4,000</td>
<td>7,500</td>
</tr>
<tr>
<td>sewered</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>unsewered &amp; on-lot water</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>(2) Two Family</td>
<td>6,000</td>
<td>3,750</td>
</tr>
<tr>
<td>sewered</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>unsewered</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>(3) Multi-family sewered</td>
<td>See Note 17</td>
<td>1,500</td>
</tr>
<tr>
<td>unsewered</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>C. MINIMUM STREET FRONTAGE (Feet)</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>(1) sewered</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>(2) unsewered</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>D. MINIMUM DEPTH FRONT YARD (Feet)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>E. MINIMUM WIDTH SIDEYARD AND REAR YARD (Feet)</td>
<td>10/0</td>
<td>10/0</td>
</tr>
<tr>
<td>F. MINIMUM WIDTH SIDEYARD AND REAR YARD OF THE FOLLOWING NON-RESIDENTIAL USES ABUTTING LOTS IN RESIDENTIAL OR CONSERVATION DISTRICTS (Feet)</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>(1) Churches, day care centers, funeral homes, offices, quasi-public uses, religious conference centers, tourist homes</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>(2) Commercial greenhouses and nurseries, hospitals and clinics for humans, hotels and motels, non-profit recreational uses, nursing homes, private clubs, private and public schools</td>
<td>50</td>
<td>50</td>
</tr>
</tbody>
</table>
G. MINIMUM SETBACK FROM NORMAL HIGH WATER MARK OF FRESHWATER BODIES; MAXIMUM SPRING HIGH TIDE LEVEL OF TIDAL WATERS; UPLAND EDGE OF WETLANDS (Feet): (Amended 11/7/05)

<table>
<thead>
<tr>
<th></th>
<th>250[a]</th>
<th>25</th>
</tr>
</thead>
</table>

H. MAXIMUM LOT COVERAGE (%)

|        | 70 | 90 |

I. MAXIMUM HEIGHT (Feet)

|        | 50 | 50 | 60 |

18. The setback for functionally water-dependent uses is zero and 25' for all other uses

13. Amend Section 729. Design Standards by amending Subsection B. Applicability to read:

B. Applicability. These design standards shall apply to all building construction or remodeling projects requiring a conditional use permit or site plan review according to requirements found in this Ordinance that are not subject to covenants found in City industrial or business parks. These standards shall not apply to Section 901-12. Minor Conditional Uses, or to properties within the Historic Preservation District subject to design review by the Historic Preservation Commission. In addition, the additional requirements for the MU-1 and MU-2 Districts shall apply to all projects that substantially alter the scale or massing of the building or that change the street façade even if site plan review is not otherwise required. Where a project subject to site plan or conditional review is associated with an existing building, such as an addition or partial remodeling, these design standards shall apply only to the new construction or the part of the building being remodeled.

14. Amend Section 729. Design Standards by adding a new subsection G. Additional Standards for the MU-1 District to read:

G. Additional Standards in the MU-1 District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

a. Scale. The scale of the building must conform to the standard of E.a. above.

b. Location of the Building with Respect to the Front Lot Line. The building must maintain the established relationship of the front walls of buildings to the street for the block in which it is located. The front wall of a new building must be located within +/- five (5) feet of the average of the front setbacks for the existing principal buildings in the same zone facing the same street in the block in which the building is located. Existing buildings that are set back significantly further from the front lot line than the pattern of the block should be excluded from the calculation. If an existing building that is setback more than the desired setback is being reconstructed, the building shall be modified to move the front wall closer to the street if this is feasible.

c. Minimum Building Height. The height of the building must conform to the standard of E.b. New or reconstructed buildings must have a minimum of two useable stories above grade at the front of the building. The total useable floor area of the upper floors must be a minimum of fifty percent (50%) of the useable floor area of the first or ground floor.

d. Parking and Vehicular Access. Except for single-family and two-family dwellings where parking is provided in a residential driveway, off-street parking must be located to the side or rear of the building. No parking shall be located in the area between the front wall of the principal building and the front property line extending the entire width of the lot. No new vehicular access drives or service areas shall be located between the sidewalk and the front wall of the building unless the Planning Board determines that no reasonable alternative exists for safe traffic flow into and out of the site and within the site. If parking is provided under a building, the first or ground floor must have habitable space extending the full width of the front of the building except for reasonable provisions for access drives to service parking under the building. If there is a conflict between this provision and flood management requirements, the front of the building must be designed so that the parking area is screened from the street and the front wall is treated as part of the building façade.
e. Connection of the Building to the Sidewalk/Street. The area between the front wall of a new, expanded, or reconstructed building and the public sidewalk or front property line of the lot if there is no sidewalk shall be designed and maintained as a non-vehicular area and shall be either landscaped or improved with pedestrian amenities. Where there is a public sidewalk, a walkway shall be established in accordance with Section 708-3.4.

15. Amend Section 729. Design Standards by adding a new subsection H. Additional Standards for the MU-2 District to read:

G. Additional Standards in the MU-2 District. All buildings and structures subject to these additional standards shall comply with the following requirements unless the Planning Board finds that a deviation from the one or more of these standards will still enable the project to meet the Intent and Purpose of these standards:

a. Scale. The scale of the building must conform to the standard of E.a. above.

b. Location of the Building with Respect to the Front Lot Line. The front wall of a new building must be located within fifteen (15) feet of the front property line unless the Planning Board determines that the reasonable use of the lot requires that the building be located further from the front property line. If an existing building that is setback more than the desired setback is being reconstructed, the building shall be modified to move the front wall closer to the street if this is feasible.

c. Minimum Building Height. The height of the building must conform to the standard of E.b.

d. Parking and Vehicular Access. Except for single-family and two-family dwellings where parking is provided in a residential driveway, off-street parking for new, expanded, or reconstructed buildings must be located to the side or rear of the building unless the Planning Board determines that there is no other option due to the shape of the lot and/or access considerations. No new vehicular access drives or service areas shall be located between the sidewalk and the front wall of the building unless the Planning Board determines that no reasonable alternative exists for safe traffic flow into and out of the site and within the site. Where feasible, vehicular access shall be provided from a street other than Elm Street.

e. Connection of the Building to the Sidewalk/Street. The area between the front wall of a new, expanded, or reconstructed building and the public sidewalk or front property line of the lot if there is no sidewalk shall be designed and maintained as a non-vehicular area and shall be either landscaped or improved with pedestrian amenities. Where there is a public sidewalk, a walkway shall be established in accordance with Section 708-3.4.

f. Streetscape. Landscaping shall be provided between the building and the street to separate the building and site from the public realm where the size and shape of the lot makes this feasible.

16. Amend Section 708-3. PARKING DESIGN CRITERIA so that subsection 9) C. Front Buffers reads:

C. Front Buffers

All parking areas, merchandise display areas, or outdoor storage areas shall be separated from any public road by a landscaped buffer strip at least 15 feet wide, planted with shade trees (minimum 2.5" to 3" caliper, planted at least every 35 feet along the road frontage), ornamental trees (one per 35 feet of road frontage), and dense medium height shrubs (three feet in height on maturity to screen parked vehicles) except as follows. The width of the required buffer between a parking area and the front property line shall be not less than five (5) feet in the MU-2 District. The Planning Board may permit the installation of earth berms, boulders, stone walls and other permanent landscape features to achieve the desired screening, and may permit that some of these elements substitute for low plantings, but not for shade trees.
AT THE SECOND AND FINAL READING OF THIS DOCUMENT ON SEPTEMBER 19, 2011 – THERE WILL BE THE FOLLOWING 1st AMENDMENT to the document “Amendments to Zoning Ordinance to Implement the Recommendations of the City’s Adopted Comprehensive Plan with Respect to the Downtown Zoning Districts, dated July 6, 201”:

1. “Amend the map titled ‘City of Saco Zoning Map, to reflect parcels at 21 Cutts Avenue, 29 Cutts Avenue, and 77 Elm Street remain in the R-3 district and are not rezoned to B-7; adopt the Amendments to Zoning Ordinance, Sections 901-2, 1103.4, and 1403-4, Regarding Notification Requirements for Mixed Use-1 and Mixed-Use 2 Districts’; and.

(UNDERLINE REPRESENTS NEW LANGUAGE, WHILE STRIKETHROUGH REPRESENTS LANGUAGE TO BE DELETED).

901-2. APPLICATION FOR CONDITIONAL USE PERMIT  
c. The names and addresses of the owners of all properties within two hundred (200) feet of the property in question when the property is located in the R-3, or business (B) or MU zones and within six hundred (600) feet when the property in question is located in the conservation zone, any industrial district or the R-1, R-2 and R-4 districts, as shown by the most recent tax records of all municipalities in which such properties lie.

1103. Administration  
4. Prior to taking final action on a site plan review application, the Planning Board shall hold a public hearing. Property owners shall be notified by first class mail at least seven days prior to a public hearing. Property owners in the Conservation District, any industrial district, the Resource Protection district, or the R-1, R-2, and R-4 districts, shall be notified of the hearing if their property is within six hundred (600) feet of the applicant’s property. Property owners in the R-3 district, or any business district or the MU districts shall be notified if their property is within two hundred (200) feet of the applicant’s property. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board. The hearing shall also be advertised in a local newspaper at least seven days prior to a public hearing.

1403-4. Hearing and Notice  
D. Public hearing notices shall be mailed to the owner of the property to be rezoned and all abutters to that property. Property owners in the Conservation District, any industrial district, the Resource Protection District, or the R-1, R-2, and R-4 districts, shall be notified by mail if their property is within six hundred (600) feet of the applicant’s property. Property owners in the R-3 District, or any business district or the MU districts shall be notified by mail when the applicant’s property is located within two hundred (200) feet. This notice shall be sent out at least seven (7) days prior to the public hearing. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned; and

“Amend Item 9 in the document titled ‘Amendments to Zoning Ordinance to Implement the Recommendations of the City’s Adopted Comprehensive Plan with Respect to the Downtown Zoning Districts’ dated July 20, 2011 by deleting “Eating establishments excluding fast food restaurants” and “Eating and Drinking Establishments” as permitted uses in the proposed B-8 district.”

410-10A. B-8 FRONT STREET WATERFRONT DISTRICT
Summary of Proposed Downtown Zoning Map Changes for Sept. 6 Public Hearing

1. **B-1 to R-3** – involving 12 parcels on the north side of Temple Street that are currently lumped into the B-1 zone, this change recognizes that these properties are all residential currently and are perhaps more correctly part of the adjacent (south side of Temple, west side of Spring Street) R-3 district.

2. **B-1 to MU-2** – the B-1 zone currently runs down the westerly side of Elm Street and includes properties that front on Elm, plus a couple more: one on Pleasant Street and one on Lincoln Street. Based largely on public input during the Comprehensive Plan process, both sides of Elm Street would be rezoned to Mixed Use-2 (MU-2) from the river to Cutts Avenue, in order “… to allow the Elm Street corridor to evolve as a mixed-use area that … evolves into a more urban, attractive, pedestrian-friendly environment as existing properties are improved and redevelopment occurs.”

3. **B-3 to MU-2** – lots that front on the easterly side of Elm Street, and other lots that may go one or two properties beyond fronting on Elm, are proposed to be re-zoned to MU-2, promoting residential and pedestrian-friendly uses for the Elm Street neighborhood; see previous item.

4. **B-1 to R-3** – this parcel at 96 Pleasant Street, a single family residence, lies between the existing B-1 to the east along Elm Street and the existing R-3 to the west. It could be rezoned to MU-2, but with no frontage on Elm Street, probably as or more appropriate being “absorbed” into the neighboring R-3 district.

5. **B-3 to MU-1** – the ‘heart’ of the B-3 zone, from the river to Cutts Avenue, but not extending all the way to either Elm Street or Main Street, would become Mixed Use-1 as recommended by the Comprehensive Plan: “The MU-1 classification is intended to allow older residential neighborhoods in the downtown area to remain predominantly residential with a mix of housing types while allowing for the reuse of existing buildings … for an increase in the amount of non-residential use such as small-scale specialty retail uses, services, restaurants, and business and professional offices especially on the first floor of mixed-use buildings.” Also, most non-residential uses would be limited to a maximum of 4,500 SF, and proposed design standards will assure that new development is compatible with the existing neighborhood.

6. **R-3 to B-7** – these 3 parcels – a two-family, a single family and a 4-unit, respectively, along the north side of Cutts Avenue from Elm Street toward City Hall -- are proposed to be rezoned from residential to commercial. The other side of Cutts Avenue is proposed to become MU-1. Each of these residential uses is allowed in the R-3, the B-7, and the MU-1 zones. The thought on the part
of the Comprehensive Plan Committee was that Cutts Avenue could become a connection between downtown and the new MU-2 zone and the shopping center.

7. **B-3 to B-7** – these 14 parcels include a mix of residential and commercial uses. The change to B-7 would make the single-family dwelling conforming; it is not an allowed use in B-3. The change to B-7 means a shorter list of allowed commercial uses for these properties, with a greater emphasis on residential while allowing limited commercial uses. Single-, two-, and multi-family dwellings are each allowed uses.

    Map 31
    Lot 60 – the new Fernleaf Bakery
    75 – office
    90 – single family dwelling
    91 – two-family dwelling
    92 – four-unit dwelling
    93 – office, 2 apartment units
    94 – offices
    200 – B&M RR
    201 – six-unit dwelling
    202 – B&M RR
    203 – two-family dwelling
    203-1 – vacant
    205 – office
    206 -- office

8. **B-3 to R-3** – this is the easterly end of a Saco and Biddeford Savings parking lot. The abutting easterly end of the Most Holy Trinity Church parcel is in R-3, which continues up Middle Street and across Middle Street. A commercial parking lot is an allowed use in the R-3 zone.

9. **B-3 to R-3** – five parcels bounded by the B&M railroad line, Front Street and Wharf Street include RR property, a two-family dwelling, 2 single family dwellings and a vacant lot.

10. **B-3 to B-8** -- B-8 is a proposed new zone intended to provide an area in close proximity to Downtown for uses and activities that need access to the waterfront or that serve marine-related activities. Councilor Cote suggested that given proximity to the sewer treatment plant several of the proposed uses might be incompatible in this new zone, so the list of proposed uses has been modified.

11. **R-3 to B-3** – this is a portion of the Trinity Catholic Church parcel at 255-271 Main Street. The existing B-3 zone on each side of Main Street would be maintained but reconfigured under this batch of changes, and extended one parcel further to the north with this change.

12. **R-3 to B-3** -- a portion of the parking lot at City Hall; City Hall is in the B-3 zone and would remain so.

13. **R-3 to MU-2** – a portion of the Town and Country Credit Union property. It is subject to a contract zone, but remained in the R-3 zone when that agreement was approved by the Council.
Mark Johnston asked the council to take into consideration the Planning Board recommendations and the citizens comments and adopt the new zoning regulations that the Planning Board has set forth. He also thanked the Planning Board and Mr. Morelli because they have done an exceptional job in keeping the focus in the downtown area. We will be amazed in what will happen in the next 10 years. This will be the rebirth of the downtown.

Councilor Lovell moved, Councilor Doucette seconded to move to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for September 19, 2011. The motion passed with six (6) yeas and one (1) nay – Councilor Tardif.

C. ZONING ORDINANCE AND MAP AMENDMENTS PERTAINING TO SHORELAND ZONING – (PUBLIC HEARING)

Councilor Blood moved, Councilor Lovell seconded to move to open the Public Hearing on the document titled, ‘Amendments to Zoning Ordinance Section 7-1, and Zoning Map dated July 5, 2011. The motion passed with unanimous consent.

‘Amendments to Zoning Ordinance Section 7-1” and Zoning Map dated July 5, 2011”.

(Please note that underline represents new language while strikethrough represents language to be deleted).

Section 7-1

Natural Resource Districts/
Shoreland Performance Standards

7.1-1. Purposes (Amended 6/29/09)

The purposes of this Article are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to manage building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

7.1-2. a. Applicability

The provisions of this Article apply to all land areas within 250 feet, horizontal distance, of the:

- Normal high water line of any great pond or river,
- Upland edge of a coastal wetland, including all areas affected by tidal action, or
- Upland edge of a freshwater wetland, and

All land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

b. Official Shoreland Zoning Map

The areas to which this Article is applicable are divided into the following districts as shown on Zoning Map of the City of Saco, which is a part of this Ordinance:

a. Resource Protection
b. Saco River Overlay District
c. Shoreland Overlay District
Coastal Development Overlay District

Resource Protection

The RP District shall include the areas shown as RP on the Official Zoning Map and the following areas when they occur within the limits of the shoreland zone as mandated by the State of Maine Mandatory Shoreland Zoning Act 38 M.R.S.A. § 435 et. seq., except that areas which are currently developed need not be included within the Resource Protection District:

1. Areas within 250 feet, horizontal distance, of the upland edge of salt marshes and salt meadows that are rated "moderate" or "high" value by Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973; and areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the MDIF&W, that are depicted on a GIS data layer maintained by either MDIF&W or the DEP as of December 31, 2008; and the area within one hundred (100) feet, horizontal distance, of the upland edge of the unrated mapped freshwater wetlands along Stackpole Creek and the Nonesuch River.

2. Land areas within the 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

4. Areas of two (2) or more contiguous acres with hydric soils and supporting wetland vegetation that are not part of a freshwater or coastal wetland as defined, and that are not surficially connected to a water body during the period of normal high water.

5. Land areas adjacent to tidal waters that are subject to severe erosion or mass movement, such as steep coastal bluffs.

6. All land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

7. All land area within 250', horizontal distance, from the following natural features:
   - Cascade Brook Falls
   - Nonesuch River Fault
   - Saco Heath

8. All land area known as Stratton Island, Bluff Island, Ram Island and Eagle Island.

9. All land area currently being used as general public access to tidal beaches or the Saco River.

10. All land area within one hundred (100) feet, horizontal distance, of Philips Spring, Seal Rock Spring, Heath Road Spring and Jenkins Road Spring.

11. Areas designated by federal, state or municipal government as natural areas of significance to be protected from development, including:
   - Ferry Beach State Park
   - Rachel Carson Wildlife Preserve.

Saco River Overlay District
The Saco River Overlay District includes all lands subject to the jurisdiction of the Saco River Corridor Commission, whether or not such areas are shown on the zoning map. The Overlay District includes all lands adjacent to the Saco River to a distance of five hundred (500) feet as measured on a horizontal plane from the mean high water line of the river or to the edge of the 100-year flood plain if the flood plain extends beyond five hundred (500) feet, up to a maximum of one thousand (1,000) feet from the mean high water line.

**Shoreland Overlay District**

The Shoreland Overlay District includes all lands subject to Shoreland Zoning as mandated by the State of Maine Mandatory Shoreland Zoning Act 38 M.R.S.A. § 435 et. seq. that are not included in the Resource Protection District or the Saco River Overlay District, whether or not such areas are shown on the zoning map.

**Coastal Development Overlay District**

The Coastal Development Overlay District includes all lands subject to Shoreland Zoning as mandated by the State of Maine Mandatory Shoreland Zoning Act 38 M.R.S.A. § 435 et. seq. that are not included in the Resource Protection District, the Shoreland Overlay Zone or the Saco River Overlay District, whether or not such areas are shown on the zoning map.

This Section also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland. In addition, this Section applies to various areas listed on the State Register of Critical Areas. The provisions of this Article are in addition to the provisions of the underlying zone.

c. Effective Date

1. **Effective Date of Ordinance and Ordinance Amendments.** This Article, which was amended by the municipal legislative body on June 29, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Article as amended, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Article amendment within forty-five (45) days of his/her receipt of the amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Article as amended if the amendment is approved by the Commissioner.

B. **Repeal of Municipal Timber Harvesting Regulation.** The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine Department of Conservation’s Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B(5), the following provisions of this Ordinance are repealed:

- Section 7.1-12. Timber Harvesting;
- Section 410-15.13. RP Resource Protection District Selective timber harvesting according to a plan approved by a forester registered in the State of Maine on a non-commercial basis; and
- Section 3. Definitions, the definition of “forest management activities”.

NOTE: The statutory date established under 38 M.R.S.A. section 438-B(5) is the effective date of state-wide timber harvesting standards. That date is “the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on
an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards.” 38 M.R.S.A. section 438-A(5) further provides that “the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards.”

7.1-3. Land Use Standards

Activities within the districts subject to these requirements shall conform with the following additional dimensional requirements.

7.1-3.1 Minimum Lot Requirements

1. The minimum lot size and lot area per dwelling unit for uses in the Resource Protection District are set forth in Table 412-1.

2. The minimum lot size and minimum lot area per dwelling unit in the Saco River Overlay District shall be the requirements of the underlying district unless a larger lot is required by the Corridor Commission’s requirements.

3. The minimum lot size and minimum lot area per dwelling unit in the Shoreland Overlay District and the Coastal Development Overlay District shall be the requirements of the underlying district.

4. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

7.1-3.2 Minimum Shorefront Requirements

1. Lots in the Resource Protection District shall have a minimum shore frontage of two hundred (200) feet.

2. Lots in the C-1 or R-1a Districts subject to the Saco River, Coastal Development Overlay or Shoreland Overlay provisions shall have a minimum shore frontage of one hundred fifty (150) feet.

3. Lots in all other districts subject to the Saco River, Coastal Development Overlay or Shoreland Overlay provisions shall have a minimum shore frontage of one hundred (100) feet.

4. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

7.1-3.3 Minimum Lot Width

Within one hundred (100) feet, horizontal distance, of the normal high water line of a water body or upland edge of a wetland, the minimum width of any portion of any lot shall be equal to or greater than the required shore frontage for the proposed use.

7.1-4 Principal and Accessory Structures

All new principal and accessory structures shall be set back from the normal high-water line of freshwater bodies, the Maximum Spring High Tide Level (MHHW) of tidal waters, and the upland edge of a wetland, depending upon the district in which they are located as shown in Table 412-1.
2. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. Accessory structures may be placed in accordance with City Code Chapter 106, Floodplain Management, and need not meet the elevation requirements of this paragraph.

4. The total footprint area of all structures, parking lots and other non-vegetated surfaces within a resource protection district, shoreland overlay district, conservation district, or residential district shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including areas previously developed. In a business or industrial district including the B-5 Marine Business and Residential District, the total area of all structures, parking lots and other non-vegetated surfaces shall not exceed seventy (70) percent.

The total footprint area of all buildings shall not exceed twenty (20) percent of a lot, or a portion thereof located within the Coastal Development Overlay District. For the purposes of this Article, a building is a structure designed for habitation, shelter, storage, or as a gathering place that has a roof. For the purposes of this rule, the foundation is considered to be a part of the building. A porch with a roof, attached to the exterior walls of a building, is considered part of the building.

The total developed area shall not exceed forty (40) percent of a lot, or a portion thereof located within the Coastal Development Overlay District. For the purposes of this Article, development is the alteration of property for human-related use including, but not limited to buildings, decks, driveways, parking areas, lawns, landscaped areas, and areas of non-native vegetation, and any other appurtenant facilities, but excluding temporary structures.
There were no comments from the public.

Councilor Blood moved, Councilor Lovell seconded to move to close the Public Hearing and Be it Ordered that the City Council set the Second and Final Reading for September 19, 2011. Further move to approve the Order. The motion passed with seven (7) yeas.

**D. RENEWAL APPLICATION FOR A SPECIAL ENTERTAINMENT PERMIT, TOWNHOUSE MANAGEMENT INC. d/b/a TOWNHOUSE PUB**

Councilor Doucette moved Councilor Lovell seconded to move to open the Public Hearing. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Doucette moved, Councilor Mills to close the Public Hearing and be it ordered that the City Council grant the renewal application submitted by Townhouse Management Inc. d/b/a Townhouse Pub for a Special Entertainment permit for a period of one year concurrent with the establishment’s liquor license. Further move to approve the Order. The motion passed with seven (7) yeas.

**VIII. CONSENT AGENDA**

**VII. CONSENT:**

Councilor Blood moved, Councilor Lovell seconded to adopt items #B, C, D & E in the following Consent Agenda.

– The City of Saco hereby:
  A. Ordains and approves the First Reading of the document titled, ‘Code Amendment Article VI Undesignated Fund Balance Policy §15-25, dated 8/22/2011’ and further moves to schedule the Public Hearing for September 19, 2011;
  B. Approves the document titled, ‘City of Saco – New Fund Balance Schedule, dated 6/30/11;
  C. Approves with reference to Superior Court Docket #CR-09-1842- Criminal Forfeiture, of the transfer of the Defendant(s) in Rem, namely $555.00, or any portion thereof, pursuant to 15 M.R.S.A. §5824(3) and/or §5826(6);
  D. Grants the applications for a License to Operate Games of Chance: Daily Attendance, 1 game from October 1, 2011 to December 31, 2011 and Pull Tickets, 2 games from October 1, 2011 to December 31, 2011, as submitted by the Biddeford & Saco Elks #1597; and
  E. Confirms the Mayor’s appointment of Jim Henderson of 17 Elmwood Drive to serve out the term of Todd Stewart on the Saco Coastal Waters Commission, with the term to end on November 3, 2011.

The motion passed with seven (7) yeas.

Councilor Tardif moved, Councilor Blood seconded to adopt #A in the above Consent Agenda. The motion passed with seven (7) yeas.

The item commentaries are listed below.

**A. CODE AMENDMENT ARTICLE IV UNDESIGNATED FUND BALANCE POLICY - §15-24 – (FIRST READING)**

*Code Amendment Article VI Undesignated Fund Balance Policy, §15 – 24, dated 8/22/2011*
§ 15-24 Definition and Classification

A. Fund balance is a term used to describe the net assets of governmental funds. It is calculated as the difference between the assets and liabilities reported in a governmental fund.

B. Governmental fund balance is reported in five classifications that comprise a hierarchy based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in those funds can be spent. The five classifications of fund balance for the General fund are defined as follows.

   a. Non-spendable: resources which cannot be spent because they are either a) not in spendable form or b) legally or contractually required to be maintained intact.

   b. Restricted: resources with constraints placed on the use of resources which are either a) externally imposed by creditors (such as through debt covenants), grantors, contributors, or laws or regulations of other governments; or b) imposed by law through constitutional provisions or enabling legislation.

   c. Committed: resources which are subject to limitations the government imposes upon itself at its highest level of decision making, and that remain binding unless removed in the same manner.

   d. Assigned: resources neither restricted nor committed for which a government has a stated intended use as established by the City Council, or body or official to which the City Council has delegated the authority to assign amounts for specific purposes.

   e. Unassigned: resources which cannot be properly classified in one of the other four categories. The general fund should be the only fund that reports a positive unassigned fund balance amount.

C. The committed, assigned, and unassigned classifications are often referred to, in the aggregate, as the unrestricted fund balance.

§ 15-25 Findings.

The City’s unassigned fund balance represents those funds held in reserve to cover unexpected expenditure needs and emergencies, revenue shortfalls and seasonal cash flow variations. The City Council has determined that maintenance of an adequate fund balance is essential to the financial health and security of the City of Saco.

§ 15-26 Objective.

It is the policy objective of the City that the audited unassigned fund balance should be a maximum of 10% of the following year's general fund budget as adopted by the Saco City Council. The minimum unassigned fund balance shall be set at one month’s budgeted expenditures or 8.33% of the annual budget.

§ 15-27 Shortfalls.
unassigned fund balance identified in the City's audited financial statements shall be raised by the City Council in the next three budget cycles. The minimum revenue requirement shall be the funds needed to bring the unassigned fund balance above the 8.33% established in § 15-26.§ 15-28 § 15-27 Surplus.

Any surplus in the unassigned fund balance identified in the City's audited financial statements that exceeds the 10% maximum target shall be made available for Council appropriation. In making said allocation of funds, the City Council shall give priority to the following activities:

A.

Economic development projects, such as industrial park land acquisition, establishment of economic development loan fund programs or the development of infrastructure improvements associated with industrial park priorities.

B.

Replacement of aging capital equipment that carries unusually high costs and has a utility life of 8 years or more.

C.

Specifically targeted infrastructure projects or other capital expenditures required by the City.

§ 15-29 Administration.

Upon acceptance of the City's annual audit by the City Council, the City Administrator shall determine the status of the unassigned fund balance relative to the policy established in § 15-26. At the second City Council meeting in January, the City Administrator shall present his/her evaluation of the current unassigned fund balance and make his/her recommendations regarding the action necessary to either make up any shortfall or appropriate any excesses. The City Council shall act on the City Administrator's recommendations no later than the first City Council meeting in February.§ 15-30 Emergency Actions Permitted

Notwithstanding any provision of this ordinance, the City Council may vote at any time to use unassigned fund balance funds to respond to emergency funding needs.

B. GASB 54 RULE – FUND BALANCE AND GOVERNMENT FUND TYPE DEFINITIONS

RESTATED
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<th>FUND</th>
<th>TYPE</th>
<th>BALANCE</th>
<th>Where does the money come from?</th>
<th>Who has to approve the use of the money?</th>
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<td>Fees Charged</td>
<td>Council</td>
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<td>Unassigned</td>
<td>(negative balance), Assigned (positive balance)</td>
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To account for Recreation Impact fees that were established to help pay for the recreation infrastructure. The fees are charged as part of each single family home building permit.

- **Call Firemen Retirement**
  - $52,845 General Fund Council/Policy Yes Committed Move to General Fund
  - To account for funds budgeted and accumulated for the retirement program for the call firemen of the City.

- **Ambulance Billing**
  - $106,955 Ambulance Council Yes Committed
  - To account for funds received from ambulance billing used for the maintenance, replacement, and other ambulance related items.

- **Economic Development**
  - $220,385 Grants and repayment of loans Administrator No Restricted
  - The monies in this fund are generated by repayments to the City from Urban Development Action Grant and Development Fund loans to local businesses, and the sale of the Saco Industrial Park lots. These monies are used to support, improve, and expand the City's Industrial Park and to make revolving loans to businesses within the applicable guidelines.

- **Saco Housing Agency**
  - $65,671 Grant Yes Restricted
  - To account for funds provided by the Department of Housing and Urban Development under the Section 8 housing assistance payments for low-income families.

- **Saco Skate Park**
  - $0 Contributions No Closed 2010
  - To account for local contributions received for construction of a skate park in Saco.

- **Wellness Grant**
  - $15,173 Grant Administrator Yes Restricted
  - To account for funds received under a Maine Municipal Association Grant.
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<td>Contributions by developers as condition of permit.</td>
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</tr>
<tr>
<td>Fire Reserves</td>
<td>$2,269</td>
<td>To account for donations to the Fire Department for specific restricted purposes.</td>
<td>Administrator</td>
<td>No</td>
</tr>
<tr>
<td>Jump Start Grant</td>
<td>$0</td>
<td>To account for grant funds received.</td>
<td>Grant</td>
<td>Yes</td>
</tr>
<tr>
<td>Police Arrest</td>
<td>$37,665</td>
<td>Sale or Cash by law.</td>
<td>By law</td>
<td>Yes</td>
</tr>
<tr>
<td>Joe Riley Memorial Park</td>
<td>$1,792</td>
<td>To account for local contributions received for the purpose of creating a memorial park for Joe Riley.</td>
<td>Administrator</td>
<td>No</td>
</tr>
<tr>
<td>PD York County Grant (Technology)</td>
<td>$507</td>
<td>To account for monies collected from the County of York for the purpose of PD technology.</td>
<td>Grant</td>
<td>Yes</td>
</tr>
<tr>
<td>Jenkins Road (waterline)</td>
<td>$750</td>
<td>To account for money collected for the purpose of the Jenkins Road improvements (waterline).</td>
<td>Administrator</td>
<td>Yes</td>
</tr>
<tr>
<td>Parking Lots</td>
<td>$375</td>
<td>To account for money collected for parking permits that is to be used for the upkeep on the parking lots.</td>
<td>Rental of Council/Policy</td>
<td>Yes</td>
</tr>
<tr>
<td>Moody &amp; Main</td>
<td>$1,600</td>
<td>To account for monies collected for intersection improvement at Moody and Main Street.</td>
<td>Administrator</td>
<td>Yes</td>
</tr>
<tr>
<td>Employee Assistance ($615)</td>
<td></td>
<td>To account for money collected for an employee assistance program.</td>
<td>Grant</td>
<td>Administrator</td>
</tr>
<tr>
<td>Organization</td>
<td>Amount</td>
<td>Type</td>
<td>Admin</td>
<td>Comment</td>
</tr>
<tr>
<td>------------------------------</td>
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</tr>
<tr>
<td>CDBG County Village</td>
<td>$(23,236)</td>
<td>Grant</td>
<td>Admin</td>
<td>No</td>
</tr>
<tr>
<td>To account for a grant to help extend sewer to cooperative mobile home park.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CDBG York County Shelter</td>
<td>$(25,696)</td>
<td>Grant</td>
<td>Admin</td>
<td>No</td>
</tr>
<tr>
<td>To account for a grant to purchase kitchen equipment for the York County Shelter Programs.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Emergency Management</td>
<td>$3,230</td>
<td>Donations</td>
<td>No</td>
<td>Committed</td>
</tr>
<tr>
<td>To account for donations received for specific purposes for the City's emergency management initiatives.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saco Community Garden</td>
<td>$2,411</td>
<td>Contributions</td>
<td>Admin</td>
<td>Assigned</td>
</tr>
<tr>
<td>To account for funds to be used for the creation of a garden following organic practices, provide affordable garden plots for growing healthy food and flowers, support a community of gardeners and promote a green and sustainable Saco.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Camp Ellis</td>
<td>$156,123</td>
<td>Sale of parking Council</td>
<td>Yes</td>
<td>Committed</td>
</tr>
<tr>
<td>To account for funds derived from parking, boat landing fees and boat mooring/pier use permits at Camp Ellis Pier. These funds are expended for parking lot attendants and repairs and improvements to the Pier.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front Street Park</td>
<td>$159</td>
<td>Grant</td>
<td></td>
<td>Assigned</td>
</tr>
<tr>
<td>To account for local and federal (Waterfront Action Grant) funds received for the construction of a riverside park on Front Street. Local funds are provided by a combination of general fund revenue and donations.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lucia Kimball Trust</td>
<td>$1,281,668</td>
<td>Trust</td>
<td>Trust</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for expendable trust fund monies.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cascade Trails</td>
<td>$22,504</td>
<td>Contributions</td>
<td>Admin</td>
<td>Committed</td>
</tr>
<tr>
<td>To account for contribution of funds dedicated to creating and providing active and passive recreational opportunities.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capital Project Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fire Barn North Street Bond</td>
<td>$5,552,856</td>
<td>Bond</td>
<td>Citizens</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for the 2010 bond issue to build the new fire station on North Street.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>District</td>
<td>Amount</td>
<td>TIF</td>
<td>Council</td>
<td>Unassigned (Negative balance)</td>
</tr>
<tr>
<td>-------------------------</td>
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</tr>
<tr>
<td>Saco Island TIF District</td>
<td>$(2,149,868)</td>
<td>TIF</td>
<td>Council</td>
<td>Yes</td>
</tr>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Restricted (Positive balance)</td>
</tr>
<tr>
<td></td>
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</tr>
<tr>
<td>To account for public improvements to the Saco Island, in conjunction with a private development project. A tax increment finance district has been established to finance the public improvements.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Spring Hill TIF District</td>
<td>$472,482</td>
<td>TIF</td>
<td>Council</td>
<td>Yes</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td>Restricted (Positive balance)</td>
</tr>
<tr>
<td>First Light TIF District</td>
<td>$190,159</td>
<td>TIF</td>
<td>Council</td>
<td>Yes</td>
</tr>
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<td></td>
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<td></td>
<td></td>
<td>Restricted (Positive balance)</td>
</tr>
<tr>
<td>To account for public improvements to the Spring Hill Industrial Park, in conjunction with a private development project. A tax increment finance district has been established to finance the public improvements.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Transparent Audio TIF District</td>
<td>$14,457</td>
<td>TIF</td>
<td>Council</td>
<td>Yes</td>
</tr>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>Restricted (Positive balance)</td>
</tr>
<tr>
<td>To account for public improvements to the First Light Company, in conjunction with a private development project. A tax increment finance district has been established to finance the public improvements.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Saco Plaza TIF District</td>
<td>$820</td>
<td>TIF</td>
<td>Council</td>
<td>Yes</td>
</tr>
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<td></td>
<td></td>
<td>Restricted (Positive balance)</td>
</tr>
<tr>
<td>To account for public improvements to the Saco Plaza LLC, in conjunction with a private development project. A tax increment finance district has been established to finance the public improvements.</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Greater Downtown Improvement</td>
<td>$(52)</td>
<td>TIF</td>
<td>Council</td>
<td>Yes</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Restricted (Positive balance)</td>
</tr>
<tr>
<td>To account for public improvements to the greater downtown area as identified in the Revitalization Plan for Saco Island and Downtown Saco.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Incon/Franklin Fuels TIF District</td>
<td>$12,703</td>
<td>TIF</td>
<td>Council</td>
<td>Yes</td>
</tr>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Restricted (Positive balance)</td>
</tr>
<tr>
<td>To account for public improvements to Franklin Fuels, in conjunction with a private development project. A tax increment finance district has been established to finance the public improvements.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Millbrook Industrial Park</td>
<td>($1,344,494)</td>
<td>Sale of Lots</td>
<td>Council</td>
<td>No</td>
</tr>
<tr>
<td>--------------------------</td>
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</tr>
<tr>
<td>Roads Bond</td>
<td>$1,440,112</td>
<td>Bond</td>
<td>Citizens</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for the 2010 bond issue to pave roads in Saco.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trails Bond</td>
<td>$503,225</td>
<td>Bond</td>
<td>Citizens</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for the 2010 bond issue to revitalize the trail system in Saco.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park North TIF District</td>
<td>($65,244)</td>
<td>TIF</td>
<td>Council</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for public improvements to Park North Development, LLC, in conjunction with a private development project. A tax increment finance district has been established to finance the public improvements.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial Park TIF District</td>
<td>$138,274</td>
<td>TIF</td>
<td>Council</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for public improvements to a portion of North Street and a portion of the industrial Park road, in conjunction with a private development project. A tax increment finance district has been established to finance the public improvements.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Space Bond</td>
<td>$66,863</td>
<td>Bond</td>
<td>Council</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for bond proceeds received and the expenditures of the authorized open space parcels of land.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Landfill Fund</td>
<td>$1,015,307</td>
<td>Contributions (PRP’s) - Superfund</td>
<td>Council</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for the post closure costs of the City’s completed landfill.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Saco Island Renaissance TIF District</td>
<td>$22,504</td>
<td>TIF</td>
<td>Council</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for public improvements to Saco island, in conjunction with a private development project. A tax increment finance district has been established to finance the public improvements.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent Funds</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Principal</td>
<td>$181,383</td>
<td>Trust</td>
<td>Council</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for assets received by the City and held in trust. The portion of the Trust’s assets that are not allowed to be spent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unexpended Income</td>
<td>$275,379</td>
<td>Trust</td>
<td>Council</td>
<td>Yes</td>
</tr>
<tr>
<td>To account for assets received by the City and held in trust. The portion of the Trust’s assets that are allowed to be spent.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
C. ASSET FORFEITURE – STATE VS. UFFRE

The Office of the Attorney General requires the legislative body of the municipality involved in any asset forfeiture to publicly vote to approve the acceptance of the assets each and every time the courts make them available for disposal.

This matter, State vs. Horacio Uffre Jr. involves the potential forfeiture of cash in an amount of up to $2,220.00. The exact amount will be determined by the courts.

D. APPLICATION FOR A LICENSE TO OPERATE A GAME OF CHANCE: DAILY ATTENDANCE & PULL TICKETS

The applicant has submitted their 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.

E. CONFIRMATION OF THE MAYOR’S APPOINTMENT OF JIM HENDERSON TO FILL THE UNEXPIRED TERM OF TODD STEWART ON THE COASTAL WATERS COMMISSION

The Mayor is recommending the appointment of Jim Henderson of 17 Elmwood Drive to serve out the term of Todd Stewart on the Coastal Waters Commission, term ending November 3, 2011.

VIII. EXECUTIVE SESSION

Councilor Mills moved, Councilor Doucette seconded that it ‘Be Ordered that the City Council, Pursuant to [M.R.S.A. Chapter 18, Subchapter 1, §405 (6) (C)] move to enter into Executive Session to discuss: (C) the Disposition of Real Property located at 14 Thornton Avenue.’ The motion passed with seven (7) yeas. TIME: 7:35 p.m.

Councilor Lovell moved, Councilor Cote seconded to move out of executive session at 8:15 p.m. The motion passed with unanimous consent.

a. REPORT FROM EXECUTIVE SESSION

Upon return from executive session at 8:15 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, Philip Blood, Arthur Tardif, Eric Cote and Marston Lovell. City Administrator Rick was also present.

No action to be taken this evening.

IX. ADJOURNMENT

Mayor Michaud adjourned the meeting at 8:16 p.m. with the unanimous consent of the council.

ATTEST: ______________________________________
Michele L. Hughes, City Clerk