

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, September 19, 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. Acting City Administrator Peter Morelli was also present.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL:

A. CITY OF SACO NAMES A “2011 PLAYFUL CITY USA COMMUNITY” – PROCLAMATION

The City of Saco was named a ‘2011 Playful City USA Community’ by non-profit KaBOOM! Saco was one of only 150 communities across the U.S. and the first community in Maine to earn this wonderful designation.

Mayor Michaud proclaimed October 1, 2011 as ‘Play Day’ in the City of Saco, and urged all citizens to celebrate Play Day and to support efforts to build and maintain playspaces and playgrounds in our community for the well-being of this and future generations.

V. APPROVAL OF MINUTES: SEPTEMBER 6, 2011

The minutes of September 6, 2011 were approved as written.

VI. AGENDA:

A. CONFIRM THE APPOINTMENT OF THE TAX COLLECTOR

Councilor Blood moved, Councilor Tardif seconded, “Be it Ordered that the City Council confirm the City Administrator’s appointment of Katharine Johnston as Tax Collector for the City of Saco.” Further move to approve the Order. The motion passed with seven (7) yeas.

B. CODE AMENDMENT ARTICLE IV UNDESIGNATED FUND BALANCE POLICY – (PUBLIC HEARING)

Councilor Tardif moved, Councilor Lovell seconded to open the Public Hearing on the document titled, ‘Code Amendment Article IV Undesignated Fund Balance Policy, §15 – 24, dated 8/22/2011’. The motion passed with unanimous consent.

There were no comments from the public.

Councilor Tardif moved, Councilor Blood seconded to close the Public Hearing and “Be it Ordered that the City Council set the Second and Final Reading of the document titled, Code Amendment Article IV Undesignated Fund Balance Policy, §15 – 24, dated 8/22/2011’, for October 3, 2011.” Further move to approve the order. The motion passed with seven (7) yeas.

Code Amendment Article IV 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.

C. SHORELAND ZONING REVISIONS – (2ND AND FINAL READING)

Councilor Blood moved, Councilor Smith seconded the City of Saco hereby Ordains and approves the document titled, ‘Amendments to Zoning Ordinance Section 7-1, and Zoning Map dated July 5, 2011’.

1ST AMENDMENT: Councilor Blood moved, Councilor Lovell seconded the City of Saco hereby ordains and approves an amendment to the document ‘Amendments to Zoning Ordinance Section 7-1’ and ‘Zoning Map dated July 5, 2011’ – to ‘Amendments to Zoning Ordinance Section 7-1’ and replace the Zoning Map dated July 5, 2011 with ‘City of Saco Zoning Map dated September 19, 2011’. The motion passed with seven (7) yeas.

The Mayor called for a vote on the main motion – The motion passed with seven (7) yeas.

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

(Please note that underline represents new language while ~~strike through~~ 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
- d. 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

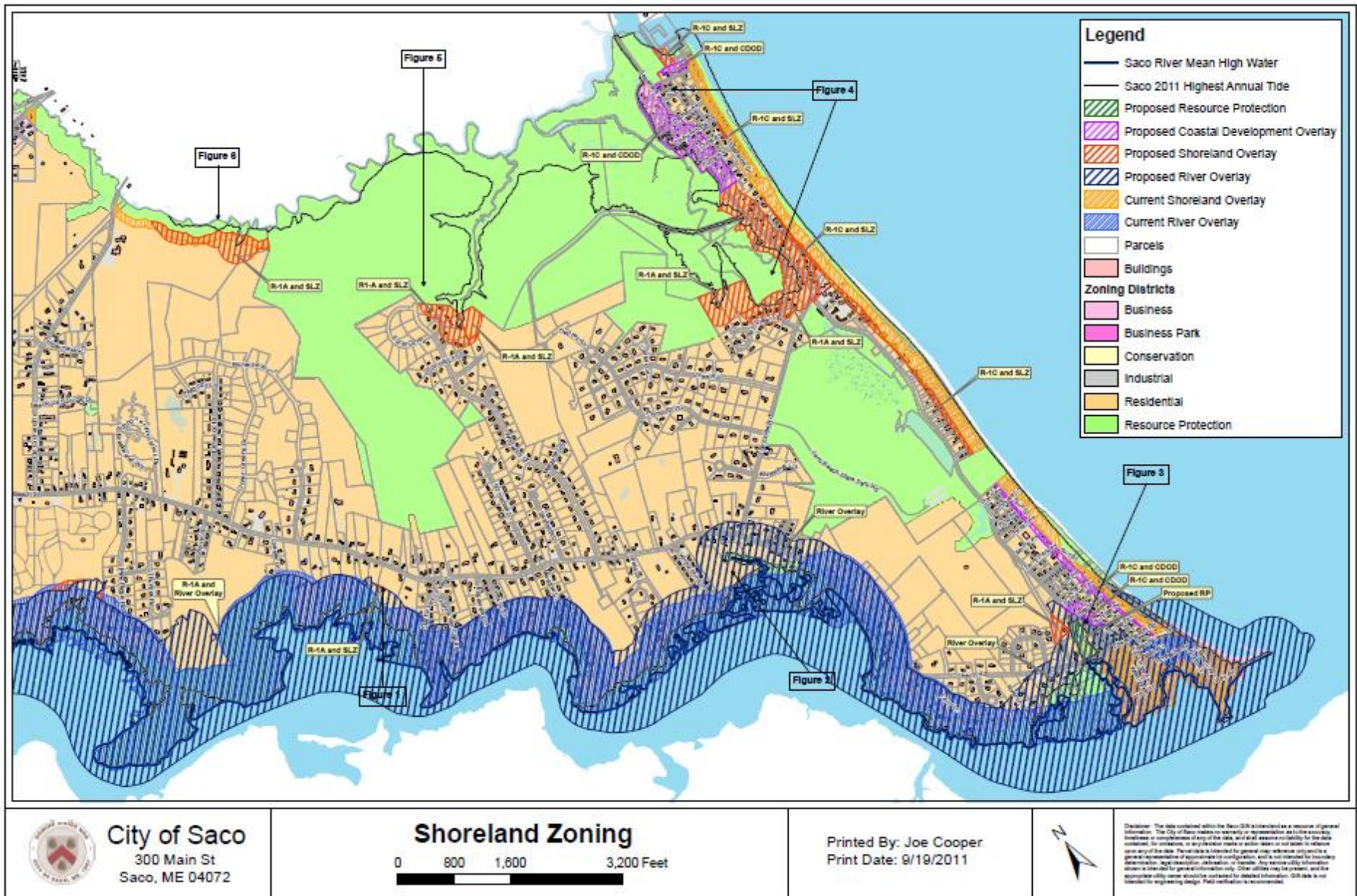
Within one hundred (100) feet, horizontal distance, of the normal high water line of a water body or upland edge of a wetland, the minimum width of any portion of any lot shall be equal to or greater than the required shore frontage for the proposed use.

7.1-4 Principal and Accessory Structures

1. 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.



D. ZONING ORDINANCE AMENDMENT – PLANNED DEVELOPMENTS – (FIRST READING)

Councilor Cote moved, Councilor Mills seconded the City of Saco hereby ordains and approves the First Reading of the document titled, “Amendment to Zoning Ordinance Section 706-2, dated September 6, 2011”, and further moves to schedule a Public Hearing for October 3, 2011. The motion passed with seven (7) yeas.

“Amendment to Zoning Ordinance Section 706-2” dated September 6, 2011,

706-2. PERFORMANCE STANDARDS

- 1) ~~The minimum area of land in a planned development shall be five acres.~~
- 2) Each building, parking area, and other facility in the proposed development shall be an element of an overall master plan.
- 3) Facilities shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage conditions.
- 4) Where open space is proposed as part of the planned development, it shall be clearly noted on the final subdivision plan.
- 5) To the extent that they may apply, the planned development shall comply with the requirements of the Saco River Corridor Commission, the Maine Department of Environmental Protection, and the Maine Department of Inland Fisheries and Wildlife.

E. CONFIRM THE MAYORS REAPPOINTMENT TO THE COASTAL WATERS COMMISSION

Councilor Blood moved, Councilor Doucette seconded, “Be it Ordered that the City Council confirm the Mayor’s reappointment of James Katz of 3 Abby Lane to the Coastal Waters Commission for a 3 year term to expire on September 20, 2014” Further move to approve the Order. The motion passed with seven (7) yeas.

F. RSU 23 WARRANT: REFERENDUM QUESTIONS FOR COST SHARING

Councilor Cote moved, Councilor Lovell seconded, “Be it Ordered that the City Council approve the Warrant and Notice of Election for the Regional School Unit No. 23 Referendum scheduled for November 8, 2011.” Further move to approve the order. The motion passed with seven (7) yeas.

VII. ADJOURNMENT

Councilor Lovell Moved, Councilor Smith seconded to adjourn the meeting at 7:30 p.m. The motion passed with seven (7) yeas.

ATTEST: _____
Michele L. Hughes, City Clerk