

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, March 12, 2018 at 6:30 p.m. a Special Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Marston Lovell recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: Marshall Archer, Roger Gay, William Doyle, Lynn Copeland, Alan Minthorn, Micah Smart and Nathan Johnston. City Administrator Kevin Sutherland and City Clerk Michele Hughes were also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

- Budget Season – Mayor Lovell announced the budget presentation schedule as follows: Special Budget Workshop on March 26th, Budget Workshop on April 2nd, Special Budget Workshop on April 9th and the rest of the presentations will be on April 16th. On May 7th the Council will be looking at the budget in preparation for a final vote on the 2nd Monday in May.

V. PUBLIC COMMENT

- Stephen Shiman, School Board Report – School board has not met since the last Council meeting. There will be a Thursday meeting of the school board at the Saco Middle School.
- Barbara Colman, 45B Stockman Avenue – By March 21, 2018 a decision has to be made on the re-appointment of the City Administrator. I have not seen survey to fill out for his evaluation. This is no different from the hiring of the Police Chief. A committee is created for the review. There have been Charter violations such as: failure to have Department Heads confirmed by the Council; failure to publish the budget 2 times as required by the Charter etc. Under City Solicitor section 5.06 many individuals are allowed to contact the City Solicitor, not just the City Administrator. It is now budget time. The budget will need to be advertised 2 times. Once after the City Administrator’s presentation to Council and once before the Public Hearing.

VI. AGENDA

A. AMENDMENT TO MU-3, I-1, I-2, I-3 ZONE – FOOD PROCESSING FACILITY – (SECOND & FINAL READING)

The City has been working with a new business prospect in the food processing sector and they have found a site that will meet their needs in the MU-3 zone. In review of the zoning, food processing businesses have been most often designated as “Light Industry”. This zoning change would add a definition for “Food Processing Facility” and further add those as Permitted Uses to the MU-3, I-1, I-2, and I-3 Zones.

This was discussed with the Planning Board in workshop on February 6, 2018 which indicated general concurrence with the proposed changes provided that all Food Processing Facilities go thru Site Plan Review with the Planning Board in the I-2, I-3, and MU-3 Zones. In the I-1 Zone, the Planning Board suggested that Site Plan Review continue to be handled by the Planner unless the size of the project requires Planning Board approval. At their February 20th meeting, the Planning Board and the Economic Development Commission voted in favor of these amendments

Councilor Doyle moved, Councilor Johnston seconded the “Saco City Council hereby ordains and approves the Second and Final Reading of the document titled, “Amendments to the Saco Zoning Ordinance, Food Processing Facility Definition added to §230-302 and inclusion of the definition to: § 230-410.6 MU-3 Planned Mixed-Use District; § 230-410.19 I-1 Industrial Park District; § 230-410.20 I-2 Industrial Business District; § 230-410.21 I-3 Light Industrial-Business Park District” Further move to approve the order. The motion passed with seven (7) yeas.

**Amendments to the Saco Zoning Ordinance,
Food Processing Facility Definition added to §230-302 and inclusion of the definition to:
§ 230-410.6 MU-3 Planned Mixed-Use District;
§ 230-410.19 I-1 Industrial Park District;**

**§ 230-410.20 I-2 Industrial Business District;
§ 230-410.21 I-3 Light Industrial-Business Park District;**

§ 230-302 Definitions (excerpted)

Food and Drink

A. EATING ESTABLISHMENT

A business which sells prepared food and which does not serve alcoholic beverages. No provisions shall be made for drive-through service.

[Amended 2-19-2002]

B. DRINKING ESTABLISHMENT

A business or club where alcoholic beverages are consumed on the premises, such as a tavern.

C. EATING AND DRINKING ESTABLISHMENT

A business where food and alcoholic beverages are sold for consumption on the premises, such as, but not limited to, a Class A restaurant. Eating and drinking places shall offer a variety of meals at all hours they are open and shall be equipped with a full commercial kitchen for the preparation of meals. A full commercial kitchen includes a stove, a stovetop, refrigeration equipment, a dishwasher, and numerous cooking utensils. No provisions shall be made for drive-through service.

[Amended 3-7-1994; 2-19-2002]

D. DRIVE-THROUGH EATING ESTABLISHMENT

A business that serves prepared food and includes provisions for drive-through service.

[Amended 2-19-2002]

Food Processing Facility

The use of land, buildings, or structures for the preparation, processing, cooking, baking or other enhancement of food, seafood, or agricultural products for use or consumption primarily off the premises including such activities as commercial bakeries, breweries, bottling facilities, dairies, lobster pounds and facilities for commercial food processing and/or packaging; excluding all products of a medicinal and / or pharmaceutical nature. Food processing facility does not include a use in which the principal activity is the rendering, storage, and/or treatment of animal or fish wastes. The processing of wastes created on the premises is allowed as an accessory use to a food processing facility.

Forest Management Activities

Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

[Amended 4-21-1992]

§ 230-410.6 MU-3 Planned Mixed-Use District.

A. Permitted uses:

- (1) Hotels and motels.
- (2) Bed-and-breakfast establishments.
- (3) Retail businesses with less than 100,000 square feet of gross floor area and related outside sales.
- (4) Accessory retail sales of goods manufactured on the premises.
- (5) Artist and craftsperson studios.
- (6) Eating establishments.
- (7) Eating and drinking establishments.
- (8) Accessory food service facilities.
- (9) **Food processing facilities.**
- (10) Health and fitness clubs.

- (11) Financial institutions.
- (12) Professional offices.
- (13) Business offices.
- (14) Offices of tradesmen or contractors.
- (15) Personal services.
- (16) Business services.
- (17) Repair services.
- (18) Funeral homes.
- (19) Health care clinics for humans.
- (20) Animal hospitals and veterinarian offices.
- (21) Light assembly in which all activities occur within a fully enclosed building with no exterior storage.
- (22) Outdoor commercial recreational facilities.
- (23) Commercial recreation.
- (24) Indoor recreation/amusement centers.
- (25) Nonprofit recreational uses.
- (26) Public parks and playgrounds.
- (27) Places of public assembly or entertainment as part of a mixed-use building or mixed-use development.
- (28) Places of worship.
- (29) Municipal uses.
- (30) Quasi-municipal or public uses.
- (31) Day-care center.
- (32) Adult care services.
- (33) Agriculture.
- (34) Accessory uses.
- (35) Essential services.
- (36) Public utility buildings.
- (37) Any use permitted in the Resource Protection District.
- (38) Mobile home parks in designated Mobile Home Park Overlay Districts.

B. Conditional uses:

- (1) Self-service storage units.

C. Additional uses permitted only as part of a master planned development. The following uses are permitted only as part of a master planned development reviewed and approved by the Planning Board in accordance with the provisions of § 230-416:

- (1) Single-family dwellings.
- (2) Two-family dwellings.
- (3) Multifamily dwellings.
- (4) Elderly congregate housing.
- (5) Dwelling units as part of a mixed-use building.
- (6) Community living uses.
- (7) Home occupations.
- (8) Home babysitting service.
- (9) Day-care home.
- (10) One accessory apartment in a single-family dwelling.
- (11) Research and testing laboratories fully enclosed within a building that are compatible with a mixed-use neighborhood.

§ 230-410.19 I-1 Industrial Park District.

[Amended 8-1-1988; 11-17-1988; 3-2-1992; 7-6-1993; 11-7-1994; 2-19-2002; 10-21-2002; 12-15-2008; 7-19-2010; 12-6-2010; 9-19-2016]

A. Permitted uses:

- (1) Hotels and motels.
- (2) Supply yards.
- (3) Parking lots as an accessory use to abutting lots in the B-6 Zone.
- (4) Off-site parking for uses located within the district.
- (5) Health club.
- (6) Financial institutions.
- (7) Business offices.
- (8) Business services.
- (9) Hospitals and clinics for humans.
- (10) Research and testing labs.
- (11) Wholesale trade and warehousing.
- (12) Distribution.
- (13) Truck terminal.
- (14) Light industry.
- (15) Any use permitted in the Resource Protection District.
- (16) Essential services.
- (17) Accessory uses.
- (18) Municipal uses.
- (19) Public utility buildings.
- (20) Public and private schools.
- (21) Commercial schools.
- (22) Nursery school.
- (23) High-voltage transmission lines.
- (24) Medical marijuana caregivers, growing.
- (25) Medical marijuana caregivers, growing facility.
- (26) Food processing facilities.

B. Conditional uses:

- (1) Heavy industry.
- (2) Recycling center.
- (3) Waste composting facility.
- (4) Day-care center.
- (5) Wireless telecommunications facilities.
- (6) Registered dispensary, grow-only.
- (7) Addiction treatment facility.

§ 230-410.20 I-2 Industrial Business District

[Note: includes I-2b District at former Maine Turnpike Exit 5].

[Amended 10-2-1986; 8-1-1988; 9-19-1988; 4-1-1991; 6-4-1991; 3-2-1992; 3-16-1992; 7-6-1993; 2-28-1994; 2-19-2002; 12-15-2008; 7-19-2010; 12-6-2010; 5-21-2012]

A. Permitted uses:

- (1) Hotels and motels.
- (2) Retail uses (I-2b only).
- (3) Accessory uses, including eating establishments associated with hotels and motels.
- (4) Teen center.
- (5) Financial institutions.
- (6) Business offices.
- (7) Business services.
- (8) Hospitals and clinics for humans.
- (9) Research and testing labs.
- (10) Light industry.
- (11) Any use permitted in the Resource Protection District.
- (12) Essential services.
- (13) Municipal uses.

- (14) Recycling center.
- (15) Nursery school.
- (16) Adult day-care center, Type 1 and 2.
- (17) Municipal animal incinerator.
- (18) Enclosed sports arena.
- (19) High-voltage transmission lines.
- (20) Commercial school.
- (21) Elder/disability housing facility - limited service.
- (22) Elder/disability care facility - full service.
- (23) Elder/disability housing facility (in conjunction with Use 21 or 22).
- (24) Places of worship. [Amended 7-16-2012]
- (25) Medical marijuana caregivers, growing. [Amended 9-19-2016]
- (26) Medical marijuana caregivers, growing facility. [Amended 9-19-2016]
- (27) **Food processing facilities.**

B. Conditional uses:

- (1) Self-service storage units.
- (2) Distribution (including not more than 10% of gross floor space for retail purposes).
- (3) Public and private schools.
- (4) Day-care centers.
- (5) Registered dispensary, grow-only.
- (6) Addiction treatment facility.
- (7) Car washes in I-2 only (not to include I-2b) [Amended 11-5-2012]

§ 230-410.21 I-3 Light Industrial-Business Park District.

[Amended 2-19-2002; 10-21-2002; 4-7-2003]

A. Permitted uses:

- (1) Hotels and motels.
- (2) Accessory retail sales of goods manufactured on the premises.
- (3) Eating establishments.
- (4) Eating and drinking establishments.
- (5) Accessory food service facilities.
- (6) Financial institutions.
- (7) Business offices.
- (8) Offices of tradesmen or contractors.
- (9) Business services.
- (10) Repair services.
- (11) Research and testing laboratories/labs.
- (12) Wholesale trade and warehouses.
- (13) Contractors.
- (14) Light industry.
- (15) Any use permitted in the Resource Protection District.
- (16) Essential services.
- (17) Accessory uses.
- (18) Municipal uses.
- (19) Public utility buildings.
- (20) Quasi-public uses.
- (21) Public parks and playgrounds.
- (22) Public schools.
- (23) Private schools.
- (24) Commercial schools.
- (25) Nursery schools.
- (26) Day-care centers.
- (27) Agriculture.

- (28) High-voltage transmission lines.
- (29) Food processing facilities.

B. Conditional uses:

- (1) Automobile dealers.
- (2) Indoor recreation/amusement centers.
- (3) Health and fitness clubs.
- (4) Distribution facilities.
- (5) Radio and TV transmission towers.
- (6) Wireless telecommunications facilities.
- (7) Registered dispensary, grow-only. [Amended 7-19-2010]

VII. COUNCIL DISCUSSION AND COMMENT

- Councilor Minthorn – Asked for an update on 360 Evaluation on the City Administrator. Mayor Lovell stated that it was being developed and that several people will be involved in the evaluation. In a workshop on March 19th the Mayor will let the Council know where the money will come from for the evaluation. If the Council approves this then the evaluation will begin. Mayor Lovell will also announce whether he will be re-appointing the City Administrator which will be before March 21st when his contract expires.
- Councilor Archer – Stated that there will be a Saco Main Street fundraiser this Thursday at Painting with a Twist.
- Councilor Doyle – Senior Abatement Program – Asked if there was an update? What fixes have been made to the issue brought forward last year. I would also like the city to start a Charter Commission right now. This is essential for moving forward. I would like an update about the recent article in the Courier with the city parting ways with the Economic Development Director, and what projects are outstanding.
- Councilor Minthorn – Seconded Councilor Doyle’s remarks regarding the Charter Commission. The City Administrator went through the Charter with some gender neutrality amendments awhile back, but more amendments are needed.
- Councilor Copeland – Concurred that it is time for a Charter Commission.
- Councilor Doyle – This Council was newly elected in Nov. and will be on board for 2 years so there is plenty of time to go through the Charter Commission process.
- Councilor Archer – He is open for discussion on the Charter revision.
- Councilor Doyle – He noted that the Charter was last adopted on 11-4-1980.
- Councilor Johnston – Stated that the schools will be closed tomorrow and the school board meeting has been rescheduled for Wednesday at City Hall at 7:00 p.m. Budget Public Hearing is on Thursday at 7:00 in City Hall Auditorium.
- Mayor Lovell – Noted that Wednesday is Pie Day. Mary’s Walk is Sunday March 18th and they will be celebrating its 20th Anniversary. They are looking donating \$300,000 this year.

VIII. ADJOURNMENT

Councilor Minthorn moved, Councilor Archer seconded to adjourn the meeting at 6:56 p.m. The motion passed with unanimous consent

Attest: _____
Michele L. Hughes, City Clerk