

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, December 17, 2018 at 6:30 p.m. a 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, Micah Smart and Nathan Johnston. City Administrator Kevin Sutherland and City Clerk Michele Hughes were also present this evening. Councilor Alan Minthorn was excused this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

A. RECOGNITION OF AL SHUTZ, SHUTTLEBUS – ZOOM

Mayor Lovell recognized Al Shutz, Executive Director of the Shuttlebus -Zoom as follows: Mr. Shutz transformed ShuttleBus- Zoom into a nationally highly recognized organization. Individually, as a person somebody who became very recognized by the Maine Department of Transportation Multimodal Division as an expert in Multimodal (trains, planes, buses transportation) and, his expertise is of course buses.

After 8 years as the Executive Director of ShuttleBus-Zoom, Al Schutz will be retiring at the end of this year.

Al has built a professional public transportation team and has turned the ShuttleBus-Zoom system in to a well-run, successful organization.

Al has taken ShuttleBus-Zoom from a budget of less than \$1 million to a budget of more than \$4 million.

During his tenure, programs have been established to provide bus passes to those in need. Ridership has risen, service hours have gone up, improvements have been made to the Shuttlebus-Zoom facility and many improvements have been made to the fleet.

Al will be retiring from ShuttleBus-Zoom but will continue working in the field of transportation doing consulting through Schutz Transportation, focusing on electric transportation.

The City of Saco recognizes Al Schutz for his dedication to improving our transit system. While Al will be greatly missed, we look forward to following his journey with promoting electric transportation.

Mayor Lovell and the Council presented Mr. Shutz with a plaque.

Councilor Doyle read a statement from Councilor Minthorn who couldn't be here tonight: I did not know allot about mass transit and still don't after serving 3 years as the council liaison to the ShuttleBus. However, I learned the true asset that we have in Al Shutz. He is a walking, talking encyclopedia of how to run a successful and profitable transit system. At a statewide transit event last year, he was the Rockstar. Our Rockstar of that event. I want to thank him for his expertise, dedication and perseverance to make our transit system the envy of the region. I look forward to sharing session in his retirement. Best of luck chasing the little white ball on our local fairways.

B. RECOGNITION OF JEAN SAUNDERS, AGE FRIENDLY SACO

Mayor Lovell recognized Jean Saunders for receiving the Midget Vreeland Public Service Award through the Maine Public Relations Council, nominated by MPRC member Emily Roy.

A unique award and not awarded annually. But, awarded for specialized work that our Jean has been able to pull together to create the unique organization that is Saco Age Friendly.

Named in honor of the late Midge Vreeland, the Midge Vreeland Public Service Award embodies the core principles held by Midge Vreeland—integrity, commitment to community service and a willingness to advance organizations

and their causes.

Jean is the recipient due to her dedication to Saco and our more senior residents in the community. Her efforts have led to the creation of a multigenerational garden at the Community Center. The installation of accessible mats at Bayview Beach so that handicapped people regardless of age, are able to access the beach even though they are bound to wheelchairs, and other activities including a fair that she has run annually for a couple of years at the Community Center. We are all proud of having these events in Saco.

Mayor Lovell and the Council thanked Jean for her service.

Councilor Copeland – Jean has been a wonderful community member, involved, and giving of herself. A shining example of how we can all make Saco a better place to live. A couple of things that the Age Friendly Saco does is the sand buckets for seniors. So, if there are people out there that have mobility issues, a 5 gallon pail can be brought to our house with sand mix from the Dept. of Public Works to help you not slip. Also, there are Knox box which are small metal boxes that hangs on your door. So, if the emergency folks need to get in they can. There is an abundance of wonderful things that the Age Friendly Saco people do. There is a handyman, insulation with hand-made frames with the help of Habitat for Humanity.

C. RECOGNITION OF SPIRIT OF AMERICA AWARD WINNERS – ROLAND MICHAUD AND BETTE BRUNSWICK

Mayor Lovell recognized former Mayor Roland Michaud and Chair of the Economic Development Commission and Saco Main Street member Bette Brunswick for being Spirit of America Award Winners.

The County Commissioner has not able to be here this evening to bring Mr. Michaud’s award, so it will be delivered to him at a later date.

Mayor Lovell presented Bette Brunswick with a plaque.

➤ SACO MIDDLE SCHOOL STUDENT JULIA FOMICHENKO

Mayor Lovell noted that Julia Fomichenko who is a Saco Middle School student was recognized for her design of a poster promoting school attendance by a pro education organization called “Count Me In, Maine”. She was recognized across the state and is the only winner of this award and a true asset to the City of Saco starting at the 8th grade. Thank you to Julia for her creativity in putting together a poster that was found to be so admirable.

V. PUBLIC COMMENT

- Stephen Shiman – Meeting of the School Board last week and we elected Chair - Garret Abrahamson and Vice Chair – Lynn Leary. We also recognized the outgoing people Michel Ohayon and Edna Ben-Ami as well. We are going to be setting up committees in the near future and look forward to working with the council.

VI. CONSENT AGENDA

Councilor Doyle moved, Councilor Johnston seconded to approve consent agenda items #A, B, C, and D as follows:

A. Confirm Mayor’s Appointments to the Shoreline Commission – Samantha Herlihy and Richard Milliard – Be it Ordered that the City Council confirm the Mayor’s re-appointment of Richard Milliard and Samantha Herlihy as full members, with 3-year terms ending on December 31, 2021. Further move to approve the Order.

B. Appointment of Michele Hughes as Registrar of Voters – Be it Ordered that the City Council appoint City Clerk Michele Hughes as the Registrar of Voters for a term of two (2) years. Said term shall be from January 1, 2019 to December 31, 2021. Further move to approve the Order.

C. Application for a License to Operate Games of Chance for Fraternal Order of Eagles #3792 - Be it Ordered that the City Council grant the application for a license to operate cribbage from January 1, 2019 to December 31, 2019 as submitted by the Fraternal Order of Eagles Aerie #3792. Further move to approve the Order.

D. Confirm Mayor's Appointments to the Parks & Recreation Advisory Board Ted Sirois and Tim Harder – Be it ordered that the City Council confirm the Mayor's appointment of Ted Sirois and Tim Harder to the Parks & Recreation Advisory Board for a 3½ year term to begin December 17, 2018 and to expire on June 30, 2022. Further move to approve the order.

The motion passed with six (6) yeas.

VII. AGENDA

A. AGE FRIENDLY SACO PRESENTATION

Ms. Saunders acknowledged and thanked all the volunteers who run the program and were present this evening. The presentation shows what we as a team have created this past year:

- Build Project with Habitat for Humanity & Thornton Academy - Started off the year doing Habitat for Humanity and partnered with Thornton academy – Built window inserts for 13 homes for low income seniors in the community.
- Community Garden - Received a grant from the Maine Community in order to build a multi-generational community garden at the Parks & Recreation Center. Saco Bay Rotary Club built the wheel chair accessible planters. Hosted a farm to table dinner with the vegetables from the garden.
- Bayview Beach Mats, Wheelchair, & beach walker – Recipient of a AARP Grant which allowed the organization to make Bayview Beach wheelchair accessible with mats on the sand. Rotary Club of Saco Bay provided a grant, so we could purchase a wheelchair and a beach walker. These items are now available for anyone interested in using them.
- Handy Neighbor Program – The program provides small home repairs and maintenance to our older residents. This is a 2-prong program and we are in the process of putting together a list of vetted contractors which will be approved by the Board of Directors as well as the actual services we deliver.
- Fall Harvest Dance – Every time we have a dance, Thornton Academy students make posters and we get to decide which poster we like the best. Atlantic Heights & Saco River Jazz Band are two great partners as well. For \$5 you can come and have a fine meal and dance all night long to the Saco River Jazz Band. We will be having biennial events with these 2 partners. The next event will be a St. Patty's Day Dance.
- Wellness and Vendor Fair – 100 participants with 20 vendors available. We tried to provide informational that would be of interest to older residents, namely about estate planning, choosing wisely with health care, and transitions along the life span. We have found that the acoustics in the gym are less than ideal and it is hard for older residents to understand us even when we use a mic. Parks & Rec. staff and I have talked, and we are going to be applying for another grant through the Maine Community Foundation to try to improve the sound system, and we are also working with a sound engineer.
- Saco Sand Buckets for Seniors – We tripled the number of sand buckets that were delivered this year to 89. We are very fortunate that the Public Works Dept. had a stroke of genius to be able to dispense the sand right into the buckets. We partnered with Thornton Academy who brought their own van and delivered the buckets to our older residents. We were able to fill these buckets and then we off on delivery and we were done in a couple of hours because we had so many volunteers.
- Transportation Needs of Older Residents – We receive many phone calls and questions and there are not many answers when people can no longer drive. We participated in a forum in Kennebunk with the Maine Department of Transportation and was also asked by the Greater Portland Council of Government to participate in a focus group. In order to have participants attend the focus group, we partnered with Saco Parks & Rec and they brought participants who could not travel to the focus group, so they could participate. They were asked what some of the difficulties were as an older resident. Some of the stories were disheartening. People using walkers in the winter to grocery shop and only being able to get 2 bags of groceries, one put on each side of the walker. Residents at Lord Pepperell and Paul Hazelton House have to walk to get to a bus stop because it doesn't stop right at a residence. People are very limited in their options when they are on a fixed income. We are now partnering with Amelia and the Seniority Program for grocery trips for a couple of the housing units monthly. We are also part of the Tri-Community Transportation Committee, which consists of Biddeford Old Orchard, and York County Community Action to come up ideas for transportation issues.

- Supplemental Food Commodity Program – Residents have made us aware that their fixed income doesn't always allow them to get enough food for a month. We were made aware of this program which is run by the USDA and operated by the Wayside Kitchen in Portland. So, we are trying to facilitate monthly food boxes for seniors. They will be able to receive a 30 lb. box of food, but in order to get the food you have to drive there to pick it up. So, you see there is a cycle there. The food will be delivered once a month to the United Baptist Church parking lot. The age friendly volunteers will now deliver 10 boxes of food to these 2 housing units that were mentioned before. We are trying to make more people aware of this program.
- Pilot Project Smart Assisted Technology – We are currently in the process of doing a pilot project with a UNE student. In one of our volunteers homes we have installed smart assisted technology, namely Alexa Dot through the use of Kindle and smart plugs. We are trying how we can help our seniors be less socially isolated and safer in their homes through voice commands. This can be used to turn lights off and on, for appointment reminders, and medication reminders. The purchase price was less and \$100 and we received a grant from Huntington Commons. We are trying to determine if this is a reasonable way to help people who can't afford the more expensive safety systems that require a monthly subscription.

B. RENEWAL APPLICATION FOR SPECIAL ENTERTAINMENT PERMIT – FRATERNAL ORDER OF EAGLES #3792 – (PUBLIC HEARING)

Fraternal Order of Eagles Aerie #3792 has applied for a renewal of their Special Entertainment Permit. The permit will be concurrent with the establishment's liquor license.

The applicant has paid all applicable permit fees and the clerk has properly advertised the public hearing in accordance with the Saco City Code, Chapter 93 - Entertainment §93-2.

Councilor Johnston moved, Councilor Doyle seconded to open the Public Hearing.

Councilor Archer noted for disclosure only that he is a member of the Eagles in Biddeford.

Mayor Lovell asked if there was any member of the council that wanted to make a motion to have Councilor Archer recuse himself on this matter. No motion was made.

Mayor Lovell called for a vote on the motion. The motion passed with six (6) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Doyle seconded to close the Public Hearing and “Be it Ordered that the City Council grant the renewal application submitted by the Fraternal Order of Eagles #3792 for a Special Entertainment permit to be concurrent with the establishment's current liquor license”. Further move to approve the Order. The motion passed with six (6) yeas.

C. CONTRACT ZONE FOR CONVENIENT MD AT 506 MAIN STREET (PUBLIC HEARING PREVIOUSLY TABLED)

Applicant Mammoth Acquisitions, LLC is seeking approval under Section 230-1405 (F) of the Zoning Ordinance for a contract zone agreement (CZA) for demolition of the existing Rosa Linda's restaurant, and construction of a new building proposed for a “Hospital and Clinic for Humans,” a permitted use in the B-2d zone. The applicant has applied for this CZA for the following reasons:

- 1) Required setbacks in the B-2d zone are 40 feet in the front and 20 feet in the side and rear. The applicant seeks to reduce the front setback to 15 ft.
- 2) The Zoning Ordinance would limit signage to 150 sf. The applicant is proposing three wall signs, and the ability to install a freestanding sign located between Main Street and the building. The three building signs would be approx. 325 sf.
- 3) Height of structures in the B-2d zone is limited to 35 feet. The applicant requests an increase to 43 feet for “...a better building design and configuration...”

This item was reviewed by the Planning Board at its November 6, 2018 meeting. The Board arrived at a negative finding on each of the four standards found in Sec. 230-1405 (F) and voted to forward a negative recommendation to the Council. The negative recommendation was based on signage and building height requested by the applicant.

Councilor Johnston moved, Councilor Smart seconded to take from the table the Contract Zone Public Hearing for Convenient MD at 506 Main Street. The motion passed with six (6) yeas.

Councilor Johnston moved, Councilor Smart seconded to close the Public Hearing and further move to set the final reading of "Contract Zone Agreement by and Between Mammoth Acquisition Company LLC and the City of Saco," dated November 6, 2018; and to schedule a Final Reading for January 14 2019 for the property identified as Tax Map 40, Lot 57 as authorized by Section 1405 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8)". The motion passed with six (6) yeas.

**Contract Zone Agreement By and Between
MAMMOTH ACQUISITION COMPANY LLC and the CITY OF SACO**

_____, 2018

THE CITY OF SACO HEREBY ORDAINS

That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through September 12, 2018, is hereby amended by adopting this contract by and between the City of Saco and MAMMOTH ACQUISITION COMPANY LLC, with a mailing address of 632 Washington Street South Easton, Massachusetts 02375 (the "Applicant") and its successors and assigns:

1. The Applicant proposes to establish an urgent care facility to be located at 506 Main Street.
2. Said property is identified as Tax Map 40, Lot 57 on the City of Saco tax maps, and is in a B-2c 2d zoning district (the "Subject Property").
3. The subject property is currently improved with a nonconforming structure. The structure will be replaced, subject to the terms and conditions of this Agreement.
4. Offices and hospitals and clinics for humans are permitted uses in the B-2c 2d zoning district.
5. The Applicant proposes a zoning amendment in the form of a contract zone to facilitate the construction of a ConvenientMD urgent care facility. Recognizing the public necessity and convenience that will result from this undertaking, and recognizing the unique location of the Subject Parcel, and the requirements of the Zoning Ordinance, the Applicant hereby make application for a Contract Zone that would permit the following modifications to the requirements in the B-2c Zone and the establishment of the following components for the Subject Property, which modifications would, in part, amend the Saco Zoning Ordinance:
 - A. The front setback for the structure shall be 15 feet.
 - B. The maximum allowed signage for the urgent care facility shall be 400 square feet. A portion of this amount may be utilized by a freestanding sign of no more than 40 square feet in sign area, located between the front of the building and Main Street.
 - C. The maximum allowed building height shall be 43 feet, measured from grade to the highest point around the footprint of the structure itself, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.
 - D. The site shall be developed substantially generally in accordance with Exhibit A, including building location, parking spaces and landscaping. There shall be thirty (30) parking spaces provided on the site. The final site design shall be determined during site plan review by the Saco Planning Board, which may allow changes to the site design as long as such changes do not modify any specific condition of this Agreement and otherwise comply with the provisions of the

Zoning Ordinance, as amended by this Agreement. The Applicant agrees that it will connect to a rear access provided from either abutting property in the event that such an access is provided by either abutter in the future. In the event of such connection, the Applicant is authorized to remove up to four (4) parking spaces, with the connection and the revised parking plan to be reviewed and approved by the City Planner as a minor change under Section 230-1109 of the Zoning Ordinance.

E. The design of the building shall be substantially in accordance with Exhibit B. The final building design shall be determined during site plan review by the Saco Planning Board which may allow changes to the site design as long as such changes do not modify any specific condition of this Agreement and otherwise comply with the provisions of the Zoning Ordinance, as amended by this Agreement.

F. Building signage shall be substantially similar to that shown in Exhibit CB. Final signage location and design shall be determined during site plan review by the Saco Planning Board, subject to the area limitation established in Section 5.B of this Agreement. The increased signage is determined to be necessary for the urgent care facility for the following reasons:

- (1) People seeking the urgent care facility are frequently in distress and need to be able to read the name of the facility to quickly locate it.
- (2) Many patients of the urgent care facility travel from outside the City and they will not be familiar with the location. Approximately 50% of the facility's patients travel more than 25 miles to the facility, often based upon a recommendation from their health care insurer. Those users rely upon prominent signage to assist them in locating the urgent care facility.
- (3) Unlike many businesses or other facilities, ConvenientMD does not have a logo or an abbreviated form of its name that could be used in place of the full name. Patients seeking urgent care at the facility need to be able to read the full name on the building, which identifies the facility.

G. In the event that the urgent care center use is discontinued, the structure may be reutilized for any use allowed in the underlying zoning district. Signage for any other use shall comply with the applicable signage requirements in effect at the time of the change of use.

H. The City and the Applicant recognize that Exhibits A, and B and C are submitted for the purposes of this Contract Zoning Agreement and that they are limited in scope and detail. The project is subject to site plan review by the Planning Board, and to any and all permits, licenses or approvals to which the project may be subject by the any regional, state or federal agencies.

I. Failure of the Applicant to submit applications for site plan review as proposed to the Planning Office for review and approval by the Planning Board within one (1) year of the approval of this Contract Zoning Agreement shall render this Agreement null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicant, this deadline may be extended by the City's Director of Planning and Development by twelve (12) months upon written request submitted by the Applicant.

J. Except as addressed in this Contract Zoning Agreement, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance. Exhibits A, and B, and C are hereby incorporated into this Agreement by reference. This Contract Zone shall affect only the Subject Properties and shall bind the parties, as well as their successors and assigns.

K. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant. Any proposed change of use for the Subject Property shall be subject to site plan review by the Planning Board.

L. This Contract Zone, and benefits derived thereunder shall not be transferable prior to development of the site, except to a limited liability company or similar entity related to the Applicant, without approval by the City Council, which approval shall not be unreasonably denied.

M. Breach of these conditions, restrictions and/or Agreement by any of the Applicants shall constitute a breach of the contract. Said breach of contract shall constitute a zoning violation, subject to enforcement action by the City of Saco under the provisions of 30-A M.R.S.A. Section 4452.

This Contract Zone, specifically and exclusively for the parcel at 506 Main Street, would allow the Applicant to develop the Subject Parcel with the limitations and modifications as proposed above, subject to the above conditions and restrictions.

Pursuant to authority found in 30-A M.R.S.A. Section 4352(8), and the City of Saco Zoning Ordinance, Section 230-1405, and after a requisite recommendation from the Saco Planning Board on _____2018, and by vote of the Saco City Council on , 2018, the following findings are hereby adopted:

- A. City Tax Map 40, Lot 57 is a parcel of an unusual nature and location, because the depth of the parcel is such that it is difficult to construct a new building in accordance with current setback requirements as well as to accommodate parking and landscaping.
- B. The proposed rezoning is consistent with the 2018 City of Saco Comprehensive Plan Update, based on the following goals and policies:

Section 2A: Local Economy Goals, Policies and Strategies

Local Goals: To diversify the mix of firms/jobs, and to avoid dependence on single sectors.

To increase the commercial tax base of the City.

To strengthen Saco’s role as a service center for the region, focusing on the industrial commercial, distribution, logistics, natural resource-value added, office, health and medical, tourism and hospitality and retail sectors.

Section 2A.5. The Route One Corridor from Thornton Academy north to the I-195 Spur functions as a community commercial center. The City should work to improve the visual appearance of this area. In addition, efforts should be made to upgrade traffic flow and to improve access to and from adjacent properties and neighborhoods. This effort should be guided by the access management principles endorsed by the City in the Main Street Access Study, February 2005 and subsequent reports.

Section 6.A Land Use Goals and Policies.

To foster a pattern of land use that respects and builds upon the established settlement pattern of an urban core surrounded by an outlying rural area.

To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.

To encourage a pattern of land use that can be served efficiently and that does not impose an undue burden on the Town’s financial resources.

D. BUDGET AMENDMENT #6 – ADDITIONAL POLICE POSITION – INVESTIGATIVE ASSISTANT – (SECOND & FINAL READING)

The Police Department is requesting to add an administrative staff position to assist the Criminal Investigations Bureau in day to day operations and to support the Maine Law Enforcement Accreditation Program process.

Councilor Johnston moved, Councilor Copeland seconded “Be it Ordered that City Council approves the second and final reading of "Budget Amendment #6 - Additional Police Position - Investigative Assistants. Further move to approve the order. The motion passed with six (6) yeas.

City of Saco
Budget Amendment Request Form
Revenue & Appropriation
Amendment # 6: PD Investigative Assistant

12/3/2018

Date

Police

Department

Summary									
New Expense			\$0	New Revenues		\$0	Balance		\$0
Type	Org	Object	Project	Account Name	Current Budget	Actual	Adjustment Requested	Ammended Budget	
Exp	10460	500106	00000	Police Patrolmen	\$1,139,298	\$324,478	-\$31,860.00	\$1,107,438	
Exp	10464	500107	00000	Dispatcher Wages	\$548,370	\$175,446	\$21,669.00	\$570,039	
Exp	10600	500296	00000	PAYROLL CONTINGENCY	\$316,132	\$0	\$8,668.00	\$324,800	
Exp	10386	500317	00000	MINOR EQUIPMENT	\$36,703	\$1,953	\$1,305.00	\$38,008	
Exp	10386	500370	00000	Filing Fees/Licenses/Permits	\$324,761	\$135,218	\$218.00	\$324,979	

Notes: There are several openings in the patrol unit sufficient to cover the cost of the new investigative assistant in this year's budget. Next year, the investigative assistant will be added to the Police budget. The allocation to "Payroll Contingency" is to cover fringe benefits. Fringe benefits are calculated as 40% of base salary.

Finance Director certifies that funds are available:

Glenys Salas, Finance Director 11/27/2018

E. BUDGET AMENDMENT – ADDITIONAL PARKS AND RECREATION POSITION – (SECOND & FINAL READING)

On October 9, 2018, Council discussed the possibility of adding a Programmer to the Parks & Rec department, making use of available funds in the budget for seasonal staff to avoid dipping into unassigned fund balance.

Councilor Copeland moved, Councilor Smart seconded "Be it Ordered that City Council approves the second and final reading of 'Budget Amendment #7: Parks and Recreation Programmer II'. Further move to approve the order. The motion passed with six (6) yeas.

City of Saco
Budget Amendment Request Form
Revenue & Appropriation
Amendment # 7: Parks & Recreation Programmer II Position

12/3/2018
Date

Parks & Recreation
Department

Summary									
New Expense			\$0	New Revenues		\$0	Balance		\$0
Type	Org	Object	Project	Account Name	Current Budget	Actual YTD	Adjustment Requested	Ammended Budget	
Exp	10570	500113	00000	Temporary/Seasonal Wages	\$619,787	\$368,906	-\$24,718.00	\$595,069	
Exp	10570	500130	00000	Laborer Wages	\$197,168	\$67,770	\$17,500.00	\$214,668	
Exp	10600	500296	00000	PAYROLL CONTINGENCY	\$316,132	\$0	\$7,000.00	\$323,132	
Exp	10386	500370	00000	Filing Fees/Licenses/Permits	\$324,761	\$128,716	\$218.00	\$324,979	

Notes: The cost of this position is being covered by savings under the temporary/seasonal wages line. In future budget years, it will be allocated against the Laborer wages line.

Finance Director certifies that funds are available:

Glenys Salas, Finance Director 11/29/2018

F. CODE AMENDMENT TO THE ECONOMIC DEVELOPMENT COMMISSION, SECTION 4-35 (SECOND & FINAL READING)

The Economic Development Commission, along with City Administrator Kevin Sutherland and Planning and Development Director, Denise Clavette, worked on updating and revising the Economic Development Commission

Charter language to reflect the current role of the Commission that has evolved over the last few years. The changes were discussed at two EDC meetings, and were approved at their September 17, 2018 meeting; to be sent to the City Council for the City Council's review and approval.

At the September 17, 2018 meeting, the EDC members reviewed the Economic Development Commission Charter changes and agreed that the primary role of the EDC was to be advisory; that the language removing reference to an annual work plan was fine as the language of the entire document was inclusive enough with the reference to collaboratively working with the City of Saco's economic development staff. Changes are reflected in the attached red-lined version, and the clean copy is provided for final review and approval. Action taken by the EDC at this meeting was: Motion made by Bette Brunswick, second by Bob Tkacik to approve the Charter changes as amended. Motion passed unanimously.

At the November 19, 2018 City Council meeting, the City Council held the First Reading of this Code Amendment to the Economic Development Commission, Section 4-35.

At the first reading on November 19, 2018, the City Council noted that sections 2.c. and 2.d. should be clarified to indicate that the Economic Development Commission does not solely enter into negotiations, options to purchase and lease/rental transactions, but rather *recommends* to City Council such proposals on negotiations, options to purchase and lease/rental transactions. The City Council acknowledged that although this language has remained unchanged for several years, the Economic Development Commission's role in sections 2.c. and 2.d. should be clarified for consistency with its advisory status outlined in Section 1. Staff agrees and recommends City Council consider altering the language of sections 2.c. and 2.d. to clarify that City Council has oversight and final authority for any such transactions noted in sections 2.c. and 2.d., as follows:

- "2. *The objectives of the Economic Development Commission shall be to:*
 - c. *Negotiate to purchase, enter into options to purchase, and purchase lands lying within the City for current and prospective industrial uses, with City Council's approval.*
 - d. *Negotiate and enter into lease and rental transactions of industrial sites and improvements owned by the City, with City Council's approval.*"

Those changes recommended, have been incorporated in the red-lined copy and highlighted in yellow, and placed in the clean-copy.

Councilor Doyle moved, Councilor Gay seconded "The City of Saco hereby ordains and approves the Second and Final reading of the document titled, 'Code Amendment to the Economic Development Commission, Section 4-35'." The motion passed with six (6) yeas.

RED-LINED VERSION

4-35. Economic Development Commission

A. Purpose and Responsibilities.

- 1. The Economic Development Commission is established to support the City of Saco's economic and community development efforts and to advise the City Council, staff and community on strategies, programs and policies, funding sources, and various actions that the City should undertake to promote and enhance the City of Saco; to assist City staff to actively pursue, within the goals and guidelines of City Council, commercial and industrial business development/investment for relocation into the City of Saco in order to achieve a balanced tax base; to assist City staff in working with the business community in the retention and expansion of the businesses already within the City; and to promote the City in various manners as an excellent place to live, work and do business.

2. The ~~responsibilities objectives~~ of the Economic Development Commission ~~shall be to~~:
 - a. Encourage and promote ~~desirable~~ economic development within the City consistent with other ordinances and policies, ~~so as to keep an equitable and diverse tax base.~~
 - b. Undertake and support activities aimed at enhancing the economic well-being of the community by the promotion of a sustainable economy which will retain and create quality employment opportunities and a broadened tax base for the City and its residents.
 - c. ~~Negotiate to purchase, enter into options to purchase, and purchase lands lying within the City for current and prospective industrial uses, with City Council's approval.~~
 - d. ~~Negotiate and enter into lease and rental transactions of industrial sites and improvements owned by the City, with City Council's approval.~~
 - e. ~~Conduct preliminary r~~Review of business development site plans and building designs and make recommendations to the Planning Board.
 - f. ~~Collect economic and demographic data and perform analyses to help develop guidelines and recommendations, in addition to accessing and using State reports, such as: Vacaney Rate Report, Retail Sales Report, and Business Activity Report to help guide the City's economic development plans.~~
 - g.f. _____ Develop guidelines and recommendations in such areas related to economic development including but not limited to business retention, business attraction, workforce development, the development of infrastructure necessary to support economic growth, redevelopment, and business development.
 - h.g. _____ Assist City Council with implementation of the Goals and Strategies of the Comprehensive Plan.
 - i.h. Provide advisory guidance to Economic Development staff for matters pertaining to economic development including but not limited to the annual budget process, policy development, strategic planning, ~~tax increment financing~~ and land use.
 - j.i. ~~In consultation with the City Administrator, develop and prioritize an annual workplan and associated goals for Economic Development staff.~~
 - k.j. Act as a liaison and advocate for businesses in the licensing and permitting processes.
 - l.k. Work with other public and private entities and staff to promote the economic well-being of the community and perform such other functions as may be appropriate to achieve such goals.
 - m.l. _____ Participate in regional economic development efforts.

B. Commission membership and terms of office.

1. Voting members. The Commission consists of seven voting members who shall be appointed by the Mayor, with Council confirmation, for terms of five years. Commission members shall be residents of the City of Saco and shall be selected for their business knowledge and interest in economic development issues.
2. Non-voting members. The Commission shall consist of six non-voting members. These members will consist of the Executive Directors or their designees of the Biddeford Saco Area Economic Development Commission, Saco Main Street, and the Chamber of Commerce; the headmaster of Thornton Academy or their designee; a Council liaison; and the City Administrator or their designee.

C. Organization.

1. A quorum consists of four voting members. The Commission may act by a majority vote of those present and voting, but at least three affirmative votes shall be necessary to take any action under Subsection 2.
2. The Commission shall annually elect a Chairperson. They shall hold regular meetings as they shall determine. Special meetings may be called by the Chairman after notice to each member at least seventy-two hours in advance of such meeting.
3. Minutes of all meetings shall be recorded by City Staff and upon approval of the Commission shall be made available to the public.
4. The Commission shall prepare an operating budget for each fiscal year and shall submit such budget to the City Administrator, for inclusion in the City operating budget.

D. Vacancy in office

1. Vacancies in office occur when:
 - a. A member submits his/her resignation
 - b. A member's official residence is no longer within the City
 - c. A member fails to attend three consecutive unexcused meetings of the Commission
 - d. Upon the expiration of the term of a member
2. In the event that a vacancy does occur, the Mayor shall appoint a replacement for the unexpired term, subject to confirmation by the City Council. A member whose term has expired may continue to serve until the vacancy is filled.

E. Confidentiality of negotiations. It is hereby determined that premature disclosure of information used in or generated by negotiations undertaken pursuant to Subsection A2c, Subsection A2d, and Subsection A2j would prejudice the competitive and bargaining positions of the Commission and the City. Therefore, the Commission (all members and involved staff) may conduct those negotiations in accordance with M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6).

G. PARK NORTH CASCADE ZONE AMENDMENT – (SECOND & FINAL READING)

Elliot Chamberlain, of Park North Development LLC, requests approval of an amendment to the current Cascade Contract Zone to allow “lumber and material yards” use to parcel one. The Cascade Contract Zone (outlined on attached exhibit) was approved in 2006 and amended in 2014 to include “automobile dealer” as a permissible use on what was considered at that time, Lot C1. Therefore, you will see this use on the list of permissible uses for parcel one of the Cascade Contract Zone. The Park North Subdivision was approved in 2008, and with the aid of TIF funds, sewer service, road and utility network were constructed. It should be noted that per current Zoning ordinances, this additional use is a permissible use in the zone directly across the street from the site.

Councilor Doyle moved, Councilor Copeland seconded “The City of Saco hereby ordains and approves the Second and Final reading of ‘Contract Zone Agreement between Park North Development, LLC and the City of Saco’ dated June 6, 2006 as subsequently amended’.” The motion passed with six (6) yeas.

PARCEL 1:

PERMITTED USES:

- | | |
|--|---|
| 1. Dwelling units above the first floor as part of a mixed use building | 16. Business Services |
| 2. One caretaker’s apartment within a non-residential use | 17. Offices of Tradesman and Contractors |
| 3. Hotels and Motels | 18. Offices |
| 4. Retail Businesses and uses with no more than 80,000 s.f. of floor area per occupant | 19. Health care clinics for humans |
| 6. Artist and crafts person studios | 20. Hospitals |
| 7. Eating establishments | 21. Funeral Homes |
| | 22. Animal hospitals and veterinarian offices |
| | 23. Any use permitted in the Resource Protection District |

- | | |
|--|---|
| 8. Eating and Drinking establishments | 24. Accessory Uses |
| 9. Drive thru eating establishments with internal access only. | 25. Public Utility Building |
| 10. Health and Fitness Clubs | 26. Quasi-public Uses |
| 11. Private Clubs | 27. Private Schools |
| 12. Financial Institutions with drive through | 28. Commercial Schools |
| 13. Professional Offices | 29. Day Care Center |
| 14. Business Offices | 30. Adult Day Care Centers, Types 1 and 2 |
| 15. Personal Services | 31. Automobile Dealer, Lot C1 only |

H:\sh\files\A Planning File\Conduct Zones 2009\Cascade Inn\M02 L18 and A118 L1\2018\Amended for Sizing\Contract Zone Cascade Inn 121714.doc

Add:

32. Lumber and Material Yards

VIII. ADMINISTRATIVE UPDATE

MEMORANDUM

TO: Mayor Lovell and City Council
FROM: Kevin L. Sutherland, City Administrator
DATE: December 17, 2018
RE: Administrative Update

Public Works Facility

Site Clearing has occurred. This work was done in conjunction with the tree harvest Sweetser reserved the right to do on the land prior to our final purchase date.

Site and road design is being completed by CES Inc for permitting applications. Wetland impact was minimized in Phase 1 to allow for a tier 1 permit, which should help our timeline and upfront cost considerably. Permit applications will go to the regulatory agencies in January.

Facility Design/Build – The RFQ has been developed and posted on the City website and submitted to the paper. We will receive and review the bidders in late December. The top two or three will receive the full Design/Build RFP and we will be evaluating their proposals and costs in January/February. Notice to proceed should allow the selected team to get a jump on a June start date for construction which will be contingent on permit review time from DEP and ACOE.

The school department transportation manager has been made aware we are programming a place for the building they currently have under construction at Biddeford Vocational School to be placed, but a new building is not the responsibility of the Design/Build firm we're selecting.

I want to personally thank our Public Works staff, especially Patrick Fox and Joe Laverriere for the extra time and energy they have put into preparing for this project and doing it in as a cost effective manner as possible

Status of Union Negotiations

Five of the unions – Police – Command, Patrol, Support; Water Resource Recovery Department; and, Public Works/Park and Rec have now ratified their contracts and I will look to review the contracts with Council in Executive Session this evening and hopefully we can be in a position to approve the contracts after we meet.

City Hall Closures

City staff work a half day on December 24th, (half day Holiday) and because it falls on Monday this year, I've received a commitment from all City Hall staff to take the beginning part of that day as a vacation, so City Hall will be closed on Monday and Tuesday (Christmas) next week.

City Administrator Vacation

I will be taking a week off – December 30th through January 5th to visit my parents in Key West. I will attempt to bring back some sunshine.

IX. COUNCIL DISCUSSION AND COMMENT

- Councilor Archer – On the Planning Board Agenda it was mentioned that there will be 79 units discussed for the Heath Overlook. I would be interested in any feedback in making sure that there is a sidewalk connecting that overlook to Saco Middle School.
- Councilor Gay – I'd like to have 90 Temple Street brought up for a Workshop on January 14th.
- Councilor Copeland – I want to piggyback on all of that wonderful volunteerism we have here and the kind of caring community that we have and realize that this is a difficult time of year during the holidays and also with the snow. Please be considerate of people, neighbors, people you might see and reach out to them if they need help. Please check in with elderly and people with mobility issues.
- Mayor Lovell – Noted that Saco has a fantastic volunteer organization within the city that comprises boards, committees, and commissions. They work very hard. I also want to recognize that we have a fantastic staff that really go out of their way to make sure that the city is the best functioning city in the state if not the nation.

X. EXECUTIVE SESSION

Councilor Doyle moved, Councilor Gay seconded “Be it Ordered that the City Council enter into executive session, Pursuant to [M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6) (A) City Administrator’s Contract; (C) Economic Development; Discuss Terms of Potential TIF & Credit Enhancement Agreement (E) Union contracts for: 1. Public Safety Support; 2. Public Works; 3. Water Resource Recovery Division; 4. Clerical Unit; 5. Firefighters Association; 6. Police Patrol & Command.” The motion passed with six (6) yeas. Time: 7:33 p.m.

XI. REPORT FROM EXECUTIVE SESSION

Councilor Doyle moved, Councilor Gay seconded to move from Executive Session. The motion passed with six (6) yeas. Time: 11:00 p.m.

Mayor Lovell, Councilors: Archer, Gay, Doyle, Copeland, Smart, and Johnston, and the City Administrator were present.

Councilor Doyle moved, Councilor Smart seconded:

The City Council hereby ordains and approves the 'Agreement Between the City of Saco and Teamsters Local No. 340 **Saco Public Safety Support Unit** July 1, 2018 through June 30, 2021', and further authorizes the City Administrator to execute the Agreement.

The City Council hereby ordains and approves the 'Agreement Between the City of Saco and Teamsters Local No. 340 **Saco Public Works** July 1, 2018 through June 30, 2021', and further authorizes the City Administrator to execute the Agreement.

The City Council hereby ordains and approves the 'Agreement Between the City of Saco and Teamsters Local No. 340 International Brotherhood of Teamsters for the **Water Resource Recovery Department** July 1, 2018 through June 30, 2021', and further authorizes the City Administrator to execute the Agreement.

The City Council hereby ordains and approves the 'Agreement Between the City of Saco and Maine Association of Police for the **Saco Police Command Unit** July 1, 2018 through June 30, 2021', and further authorizes the City Administrator to execute the Agreement.

The City Council hereby ordains and approves the 'Agreement of City of Saco and Maine Association of Police for **Saco Police Patrol Unit** Duration of July 1, 2018 through June 30, 2021', and further authorizes the City Administrator to execute the Agreement.

The motion passed with six (6) yeas.

There were no reports this evening on: City Administrator's Contract, Economic Development: Discuss Terms of Potential TIF & Credit Enhancement Agreement, Clerical Unit Union Contract, and Firefighters Association Union Contract.

XII. ADJOURNMENT

Councilor Doyle moved, Councilor Copeland seconded to adjourn the meeting at 11:03 p.m. The motion passed with six (6) yeas.

Attest: _____
Michele L. Hughes, City Clerk