

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, July 1, 2019 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, William Doyle, Lynn Copeland, Alan Minthorn, Micah Smart, and Nathan Johnston. Councilor Gay was excused this evening. City Administrator Kevin Sutherland and City Clerk Michele Hughes were also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

V. PUBLIC COMMENT

- Don Pilon, 16 Glenhaven Circle – I'm here, to speak to you about the Board of Education's new lease that they signed on Toddle Inn. After reviewing the lease in its entirety, a couple of things have jumped out at me in the lease. After reading the newspaper article written by Liz, the Journal Tribune's article it was clear to me that there were a number of important points that were left out of the paper. One was It is a 10-year lease. Over 10 years the Board of Ed would be paying \$3.5 million for the lease. At the end of 10 years the Board of Ed would have the ability to renew the lease if they so chose for another 10 years or they could trigger an option to purchase the property. In the lease it was a little unclear at that point. It had a price tag of \$2.95 million or it said or market rate. So, it may not be market rate in 10 years. There was no mention as to how they were going to determine market rate. But the price was \$2.95 million after having paid \$3 million in rent. The 10-year period was a triple net lease. The city will be paying all the costs on the building and we will be losing taxes because now it is a non-taxable entity. That is an issue because in exhibit A of the lease they had a floor plan of the property and there is no indication as to how many square feet is in the building. Usually when we write a commercial lease you will write building consisting of say 10,000 sq. ft. This is important because the CAM charge or the triple net portion is based on the square feet. The other thing as a citizen is how the school board approached this. This was not done in a public manner. It was totally done behind closed doors. They signed the lease in Executive Session. There was no vetting of this process, the public was not invited to participate, and they cut this deal with their attorney. If their attorney and school board had done their due diligence which they apparently had not they would have learned about the federal funding that had built that park and the exclusion for non-profits. That deeply concerns me and should concern everyone else because it will jeopardize the funding for that park. It has put the city in a very bad position. More recently in the paper it had indicated that they are going ahead with occupying that building and I don't know where the city is, or you are Mr. Mayor is on discussing with them what kind of position they have put the city in. If they are that arrogant to feel as though they are just going ahead, and they don't care about the federal funding or the bad position they have put us in, then my recommendation to you this evening is a citizen's referendum to recall the school board and to terminate the superintendent. You can't have this in a town. I know that is a very strong message to send them, but they have to work to build a consensus to work together. They obviously don't want to work together. So, terminate the superintendent and recall the school board.

VI. CONSENT AGENDA

Councilor Doyle requested that item #D – Massage Therapist License Application: Shunying Lan be removed from the consent agenda and voted on separately.

Councilor Smart moved, Councilor Minthorn seconded to approve consent agenda items #A, B, and C as follows:

A. MINUTES– “Approve Minutes for June 3 and June 17, 2019”.

B. CONFIRM MAYOR'S APPOINTMENT FROM ASSOCIATE MEMBER TO REGULAR MEMBER ON THE HISTORIC PRESERVATION COMMISSION – DIANA HUOT – “Be it Ordered that the City Council confirm the Mayor's appointment of Diana Huot from an associate to regular member on the Historic Preservation Commission, to fulfill Jay St. John's unexpired term, to expire on June 30, 2020, and thank Ms. Huot for her continued service.” Further move to approve the Order.

C. CERTIFICATION OF ELECTION RESULTS – BUDGET VALIDATION REFERENDUM ELECTION – “Be it Ordered that the City Council hereby approve the results of the June 11, 2019 Budget Validation Referendum Election as presented”. Further move to approve the Order.

The motion passed with six (6) yeas.

D. MASSAGE THERAPIST LICENSE APPLICATION: SHUNYING LAN

Shunying Lan who is located at Saco Massage, 150 Main Street has applied for a Massage Therapist License.

The applicant has paid all applicable permit fees and has provided a copy of her Certificate of Graduation in compliance with Chapter 138, Sub-section §138-9 Basic proficiency. She has applied for a State of Maine Massage Therapist license which is currently pending.

Mayor Lovell as for clarification from the City Clerk as to whether the applicant had acquired her State of Maine Massage Therapist License. The Clerk reported that the State of Maine had approved Ms. Lan’s State Massage License today.

Councilor Johnston moved, Councilor Doyle seconded “Be it Ordered that the City Council grant Shunying Lan a Massage Therapist License in accordance with the Codes of the City of Saco, Chapter 138.” Further move to approve the Order.

VII. AGENDA

A. CHARTER AMENDMENT: ORDINANCES IN GENERAL, POSTING AND PUBLISHING – (PUBLIC HEARING)

The City Council endeavors to make a few amendments to the Charter. As described in [MRSA, Title 30A, Chapter 111, Section 2104](#), the process for making amendments to the Charter requires a Public Hearing before a vote by Council. Additionally, if approved by the Council, the item would be voted in referendum by the public in November.

This particular change is meant to add posting of proposed ordinance amendments or new ordinances to the city website and at City Hall for public hearings and the adoption of any ordinance as a requirement. In addition, it also saves money on advertising costs by publishing a summary of the proposed ordinance for the public hearing versus the full ordinance and striking the requirement that the ordinance be published again after its adoption.

Councilor Smart moved, Councilor Copeland seconded to open the public hearing for the document titled, ‘Saco City Charter Amendment #1: 2.09 Ordinances in General, Posting and Publishing, dated June 17, 2019’.” The motion passed with six (6) yeas.

There were no public comments.

Councilor Smart moved, Councilor Minthorn seconded move to close the public hearing. The motion passed with six (6) yeas.

Councilor Smart moved, Councilor Minthorn seconded “The City of Saco hereby ordains and approves the final reading of, ‘Saco City Charter Amendment #1: 2.09 Ordinances in General, Posting and Publishing, dated June 17, 2019’ and further Order that the Amendment be placed on the November 5, 2019 ballot. This amendment if approved by the voters, would have an effective date of January 1, 2020.” The motion passed with six (6) yeas.

Note: If the amendment is summarized on the ballot, the full text will be provided to the voter in a separate handout.

**Saco City Charter Amendment #1:
2.09 Ordinances in General, Posting and Publishing,
dated June 17, 2019**

Charter Amendment #1 – Shall the municipality approve the charter amendment reprinted (summarized) below.

(~~Strikethrough~~ represents language to be deleted, while underline represents new language.)

2.09 Ordinances in General

a. Form. Every proposed ordinance shall be introduced in writing and in the form proposed for final adoption. No ordinance shall contain more than one (1) subject, which shall be clearly stated in its title. The enacting clause shall be "The City of Saco hereby ordains....."

b. Procedure. A proposed ordinance shall be placed on the agenda by the Mayor or any City Councilor at any regular or special meeting of the City Council. Upon introduction of any ordinance, the City Clerk shall distribute a copy to the Mayor, to each City Councilor and to the City Administrator. The Clerk shall file a reasonable number of copies in the office of the City Clerk and such other public places as the City Council may designate. A public hearing shall be held on the proposed ordinance, and Prior to public hearing, the Clerk shall post publish the entire ordinance and shall publish a brief summary along with notice of the public hearing, together with a notice setting out the time and place for a public hearings thereon, and for its consideration by the City Council. The public hearing shall follow the publication and the posting by at least seven (7) days, and may be held separately or in connection with a regular or special City Council meeting. All persons interested shall have a reasonable opportunity to be heard. After the hearing, the City Council shall hold a second reading, no less than seven (7) days and no more than thirty (30) days, following the date of the public hearing, at which time the City Council may adopt the ordinance, with or without amendment, or reject it. As soon as practicable after the adoption of any ordinance, the Clerk shall ~~have it published and posted~~ the approved ordinance, again, together with a notice of its adoption.

c. Effective Date. Except as otherwise provided in this Charter, every adopted ordinance shall become effective at the expiration of thirty (30) days after adoption or any later date specified therein.

d. "Publish" Defined. As used in this Section, the term "Publish" means to print at least once in one or more newspapers of general circulation in the City:

1. The date, time and place ~~for of~~ the public hearing on a proposed ordinance and for its consideration by the City Council, or as applicable the date of adoption and effective date of an ordinance;

2. ~~The ordinance or a~~ A brief summary of the ordinance thereof if the text, exclusive of title headings, contains more than one thousand words; and

3. The place where ~~copies of it have~~ a full version of the proposed ordinance has been filed, and the time when ~~they are~~ it is available for public inspection.

e. "Post" Defined. As used in this section, the term "post" shall mean to place a full version of the proposed ordinance or the adopted ordinance in a public place at City Hall and on the City's website.

B. CHARTER AMENDMENT: BORROWING FOR PERMANENT IMPROVEMENTS, POSTING AND PUBLISHING – (PUBLIC HEARING)

The City Council endeavors to make a few amendments to the Charter. As described in [MRSA, Title 30A, Chapter 111, Section 2104](#), the process for making amendments to the Charter requires a Public Hearing before a vote by Council. Additionally, if approved by the Council, the item would be voted in referendum by the public in November.

This particular change is meant to clarify where full versions of the bond order shall be posted. In addition, it also saves money on advertising costs by publishing a summary of the bond order rather than a full version in a daily newspaper having a general circulation in the City of Saco at least 2 weeks before the final action of the City Council, and approval of five members of the City Council.

Councilor Johnston moved, Councilor Doyle seconded to open the public hearing for the document titled, 'Saco City Charter Amendment #2: 6.1 Borrowing for Permanent Improvements, Posting and Publishing, dated June 17, 2019'. The motion passed with six (6) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Smart seconded to close the public hearing. The motion passed with six (6) yeas.

Councilor Johnston moved, Councilor Minthorn seconded “The City Council hereby ordains and approves the final reading of, “Saco City Charter Amendment #2: 6.15 Borrowing Permanent Improvements, Posting and Publishing, dated June 17, 2019’ and further Order that the Amendment be placed on the November 5, 2019 ballot. This amendment if approved by the voters, would have an effective date of January 1, 2020. The motion passed with six (6) yeas.

Note: If the amendment is summarized on the ballot, the full text will be provided to the voter in a separate handout.

**Saco City Charter Amendment #2:
6.15 Borrowing for Permanent Improvements, Posting and Publishing,
dated June 17, 2019**

Charter Amendment #2 – Shall the municipality approve the charter amendment reprinted (summarized) below.”

(Strikethrough represents language to be deleted, while underline represents new language.)

Section 6.15 Borrowing for Permanent Improvements.

Money may be borrowed, within the limits fixed by the constitution and statutes of the State now or hereafter applying to said City of Saco, by the issue and sale of bonds or notes pledged on the credit of the City. The proceeds to be used for the acquisition of land, the construction, reconstruction, major alterations extraordinary repairs, and equipment of buildings and other permanent public improvements, the purchase of machinery and equipment. No order providing for the issue of bonds shall be passed without public notice given by posting ~~notice of the same in two public places in the City of Saco,~~ a full version of the Order at a public place in City Hall and on the City’s website, and by publishing a brief summary of the Order ~~publishing said notice~~ in a daily newspaper having a general circulation in the City of Saco at least two weeks before the final action of the City Council, and the approval of five members of the City Council. The City Council may refund bonds, notes and certificates of indebtedness previously issued.

C. RENEWAL APPLICATION FOR A SPECIAL ENTERTAINMENT PERMIT – SEA SALT LOBSTER RESTAURANT – (PUBLIC HEARING)

Sea Salt Products LLC d/b/a Sea Salt Lobster Restaurant has applied for a renewal 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 Doyle moved, Councilor Minthorn seconded to open the Public Hearing. The motion passed with six (6) yeas.

There were no public comments.

Councilor Doyle moved, Councilor Minthorn seconded to close the Public Hearing and be it ordered that the City Council grant the renewal application submitted by Sea Salt Products LLC d/b/a Sea Salt Lobster Restaurant 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.

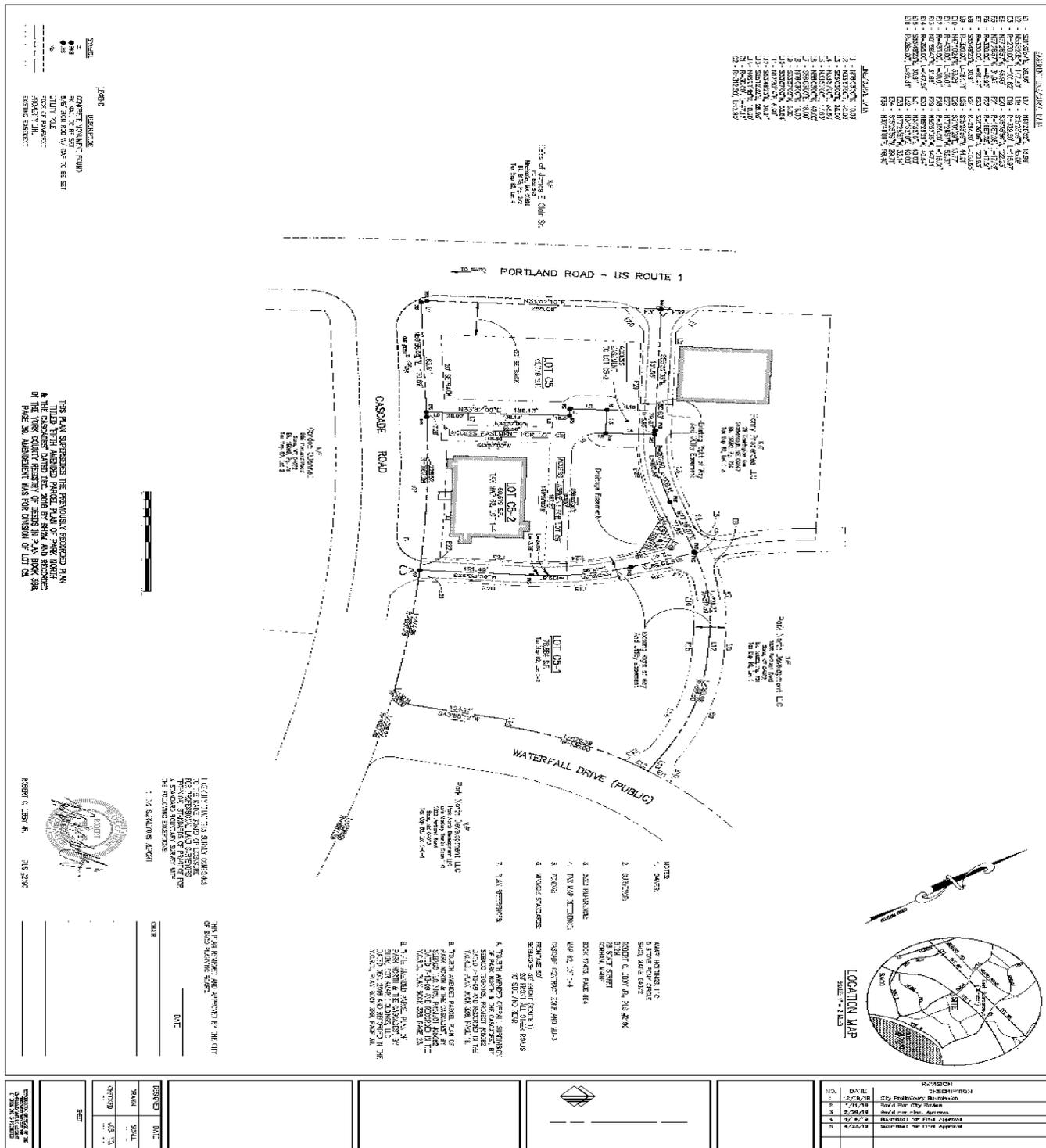
D. CASCADE CONTRACT ZONE: SUBDIVISION AMENDMENT – (FIRST READING)

Based on an opinion from City Attorney Murphy, the City Council has requested review of all subdivision amendments in the Park North and Cascade Contract Zones.

Recently, the Planning Board conditionally approved the re-subdivision of 4 Cascade Road to create one additional

lot. The applicant, Amari Holdings, has also submitted a site plan application for construction of a 6,000-sq. ft. structure for 3,000 sq. ft. of business use and 3,000 sq. ft. of medical office space. The applicant is pending further review by the Planning Board of the site plan application until the Council has issued its decision on this subdivision amendment, which is considered the ninth amendment to the overall Park North and Cascades Subdivision Plan. The exhibits include items that reference all subdivision amendments and are included for the Council's reference.

Councilor Doyle moved, Councilor Minthorn seconded to approve the first reading of this subdivision amendment to the Cascade Contract Zone, and to schedule a public hearing for this item on July 15, 2019. The motion passed with six (6) yeas. The motion passed with six (6) yeas.



VIII. ADMINISTRATIVE UPDATE

City Administrator Kevin Sutherland provided the following updates:

Bid Announcement

The City of Saco is soliciting proposals for various technology items. Proposals must be submitted on the RFP response form in a sealed envelope marked "Technology Refresh". Proposals will be accepted until July 15, 2019 11:00am EST. Any questions regarding the project specifications should be directed to Ryan Pinheiro, Director of Information Technology, by emailing rpinheiro@sacomaine.org with subject "Technology Refresh".

Additional State Aid

The Legislature approved a 3% Municipal share (we had budgeted 2.5% as that is what the Governor had initially included). The one half a percent of additional aid represents an estimated \$284,467.60 in revenue for fiscal year 2020.

City Hall Closed

City Hall will be closed both July 4th and July 5th. Staff at City Hall have all signed on to take some of their accrued time for that day.

Greek Festival

The Greek Festival will take place July 19-21 at St. Demetrios on Bradley Street.

Website Server Issues

Things that were posted towards the end of last week did not show up until they refreshed it at 4:00 p.m. today. We were not made aware of this glitch until this afternoon. If there were members of the public who were hoping to see a council packet, it didn't actually show up until 4:00 p.m. today. We did meet our requirements to post it by having it downstairs last week.

IX. COUNCIL DISCUSSION AND COMMENT

- Councilor Archer – With this recent use of what the legislation approved, that \$284,000 I would like to look at this strategically and maybe some of the items we denied in the budget we can relook at those items and see if maybe we could approve anything we previously denied with this additional funding. Mayor Lovell noted that there would be amendments coming up in July and August to recognize some of those matters.

X. EXECUTIVE SESSION

Councilor Minthorn moved, Councilor Copeland 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)]: C. Parks and Recreation Potential Real Estate." The motion passed with six (6) yeas. Time: 6:58 p.m.

XI. REPORT FROM EXECUTIVE SESSION

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

Councilor Copeland moved, Councilor Minthorn seconded to come out of Executive Session. The motion passed with six (6) yeas. Time: 7:37 p.m.

Councilor Minthorn stated that there was no report on item #C- Parks and Recreation Potential Real Estate.

XII. ADJOURNMENT

Councilor Minthorn moved, Councilor Copeland seconded to adjourn the meeting. The motion passed with six (6) yeas. Time: 7:37 p.m.

Attest: _____
Michele L. Hughes, City Clerk