

STATE OF MAINE

COUNTY OF YORK

CITY OF SACO

I. CALL TO ORDER – On Monday, May 15, 2017 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT –Mayor Roland Michaud recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: David Precourt, Roger Gay, William Doyle, Alan Minthorn, and Nathan Johnston. City Administrator Kevin Sutherland was also present this evening. Councilor Roche and Cote were excused this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL ARBOR WEEK

Mayor Michaud read the Arbor Day Proclamation as follows:



- Whereas, In 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and
- Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and
- Whereas, In 1978, the State of Maine first celebrated Arbor Week during the 3<sup>rd</sup> full week of May, and
- Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and
- Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beautify our community, and
- Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Roland Michaud, Mayor of the

City of Saco, do hereby proclaim May 14<sup>th</sup> through May 20<sup>th</sup> as the celebration of



**Arbor Week**

in the City of Saco, and I urge all citizens to celebrate Arbor Week and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Mayor \_\_\_\_\_

## **KIDS TO PARKS DAY PROCLAMATION**

Mayor Michaud read the Kid to Parks Day Proclamation as follows:

WHEREAS, May 20th, 2017 is the seventh Kids to Parks Day organized and launched by the National Park Trust; and

WHEREAS, Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks; and

WHEREAS, it is important to introduce a new generation to our nation's parks; and

WHEREAS, we should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes mellitus, hypertension and hypercholesterolemia; and

WHEREAS, Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants; and

WHEREAS, Kids to Parks Day will broaden children's appreciation for nature and outdoors; and

NOW THEREFORE, WE of City of Saco do hereby proclaim national Kids to Parks Day. We urge residents of the City of Saco to make time May 20th, 2017 to take your children out to a neighborhood, state or national park.

Dated this 15th day of May 2017 Roland Michaud, Mayor – City of Saco

By \_\_\_\_\_

### **V. PUBLIC COMMENT**

- Barbara Colman, 45B Stockman –Tonight on the agenda is the Shared Finance Director position with the City of Biddeford in which a vote will be required. This will open up the budget for FY18 as it has already been approved. Per the Charter there are any 5 various amendments allowed after adoption of the budget. I would love to allow the budget to be opened to discuss the various amendments suggested by the Saco Citizens for Sensible Government. Some of the items proposed: A job description for the Facilities Manager prior to the hiring, hired in-house attorney to save tax payers additional money, propose to remove 2 trucks from Fire Dept. lease purchasing line purchasing 1 Tahoe at \$48,000 and use the ambulance and fire impact fees to lower the mill rate which would have allowed Councilor Precourt to amend his motion for a reduction in the amount to be utilized against lease purchases savings tax dollars , HR Assistant -HR Director becomes a Dept. Head and will receive a 34% increase(\$80,000-\$85,000) in the same role on the school side that person makes \$56,000. Both with HR Certification. There is no reason to hire an additional person in the HR Dept for \$42,635. There are additional items but I will wait for the vote to occur.
- John Harkins, Christopher Terrace – A couple of weeks ago the Council went into Executive Session to discuss power requirements which was illegal. I believe some training is needed on what constitutes appropriate action in order to go into Executive Session. Public business should be conducted in the public.

### **VI. CONSENT AGENDA**

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

A. Be it ordered that the City Council approve the minutes for May 1, 2017 and further move to approve the order;

B. Be it Ordered that the City Council approve the Notice of Election for the Budget Validation Referendum Election scheduled for Tuesday, June 13, 2017. Further move to approve the Order.

The motion passed with five (5) yeas.

## **VII. AGENDA**

The Regular Agenda items #B, C, D, G, H, J, and K listed below were postponed for review until the May 22, 2017 Council meeting:

- B - Presentation by Volunteer Coordinator, Mary Pelkey
- C - Volunteer Citizen Work-off Program Annual Approval
- D - Request to Improve a Portion of a City-Owned Right of Way: Sierra Woods Subdivision
- G - (First Reading) City Code Amendment, Chapter 165: Recreational Marijuana Cultivation and Sale Prohibition
- H - (First Reading) City Code Amendment, Chapter 147: Multi Family Dwelling Unit Inspections
- J - (Second and Final) Amendments to City Code Chapter 4: Administrative Code
- K - (Tabled) Budget Amendment #1

### **E. RENEWAL APPLICATION FOR SPECIAL ENTERTAINMENT PERMIT: THE RUN OF THE MILL – (PUBLIC HEARING)**

Island Brewing LLC d/b/a The Run of the Mill 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 Gay moved, Councilor Doyle seconded to open the Public Hearing. The motion passed with five (5) yeas.

There were no public comments.

Councilor Gay moved, Councilor Doyle seconded to close the Public Hearing and be it ordered that the City Council grant the renewal application submitted by Island Brewing LLC d/b/a The Run of the Mill 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 five (5) yeas.

### **F. ZONING ORDINANCE AMENDMENTS, SECTION 708-OFF STREET PARKING**

Parking requirements in the Zoning Ordinance are found in Section 708. Table 708-2 specifies the number of parking spaces required for different uses. Off-street parking is required for all uses in Saco, from single-family dwellings to large commercial and industrial businesses. Section 708, like the Ordinance, dates back to 1995, and has been amended a number of times over the years. The proposed amendments would allow greater flexibility for the Planning Board in its review of project-related parking, particularly in the downtown area.

The Planning Board reviewed this item and held a public hearing on May 2, 2017. Five related amendments were proposed for five subsections of Section 708. The Board voted to forward a positive recommendation for a single amendment, to the existing language found at the end of Table 708-2, allowing greater flexibility to Planning Board decisions citywide.

Councilor Johnston moved, Councilor Minthorn seconded to open the Public Hearing. The motion passed with five (5) yeas.

Jeff Brochu, 257 Buxton Road - Understanding this has been amended several times over the recent history. I would ask you to use deep consideration. It seems like our Planning Board is looking at allot of development in our downtown area and I think allowing too much flexibility would be less than advantageous for our community. We have looked at our neighboring city across the river and who has struggled for the last 30 years trying to get

momentum in their downtown primarily because of parking. I think we have been very fortunate given our layout and the businesses that we have in our downtown. Do you have ready access to most of our businesses throughout the work week? I caution that reducing those restrictions and particularly I believe there is a certain district that has reduced parking restrictions already. That reducing that even further could have some real negative effects particularly when we are starting to look at converting some structures that may have been different uses in the past. Churches that may become residential property. I'm not in favor of decreasing that. Whatever we can do to maintain the standards and maybe not allow the Planning Board quite so much flexibility. We may need to do a case by case basis and bring it before the Council where you can receive a little more input from the community so that we don't have a major change in our downtown and then we go "Oh". We allowed 60-80 units with only 40 parking spaces. Contrary to popular belief most of the millennial's I speak to still would like to have a car. I don't think we have quite the infrastructure at this point to have a truly walkable downtown for year around use where it would be possible or feasible to live without a vehicle each unit. Please take this into consideration and not reduce the number of parking spaces required.

Mayor Michaud noted that the proposal before the Council is to allow the Planning Board the ability to look at an individual use and make a separate determination on that use to reduce the requirements specified in the table. The proper authority to do that is the Planning Board. The Council doesn't really involve land use to that level. This really doesn't reduce it it gives them the ability to use other means to find that parking requirements are met. It doesn't specify cutting it into 1/2 or 2/3 it just says use your logic and look at the environment to see where they are in and how can you deal with the parking without causing any problems.

Councilor Johnston moved, Councilor Minthorn seconded to close the Public Hearing and further move to set the Second and Final Reading of the Amendment to Sec. 708. Off-Street Parking May 2, 2017 for June 5, 2017. The motion passed with five (5) yeas.

**“Amendment to Sec. 708. Off-Street Parking”  
May 2, 2017**

*(Proposed language is underlined.)*

**Section 708. Off Street Parking**

Sec. 708-2

Where a proposed use cannot be reasonably fit into one of the above categories, the Planning Board shall prescribe the required number of off-street parking spaces. When an applicant demonstrates to the Board's satisfaction that the number of off-street parking spaces is adequate for a proposed use, the Board may find that a lesser number of spaces than is prescribed in Table 708-2 is acceptable, but only upon making a finding that the following standards have been met:

- A. On-street parking is available within a reasonable distance;
- B. Off-site parking as described in § 708-3-2 is not available;
- C. The lack of on-site parking will not create hazardous and unsafe conditions in the neighborhood.  
(Amended 7/1/91; 3/7/94; 9/6/94)

**I. MORATORIUM ON MARIJUANA GROWING OPERATIONS – (SECOND & FINAL READING)**

The City of Saco has experienced an influx in the number of permits being requested by medical marijuana caregiver facilities. There are two zones in the Industrial Park that permit medical marijuana caregiver facilities as reflect in Zoning Ordinance Article 4, Sections 410-11 and 410-12. These growing operations draw a significant amount of electricity which can impact electrical availability for other businesses in the area.

In order to best support all businesses in that zone, we are requesting a six month (180 day) moratorium to allow us to collaborate with the power company to address these concerns and find a solution.

Councilor Doyle moved, Councilor Johnston seconded “The City Council hereby ordains and approves the second and final reading for the 180 day moratorium on new permits for medical marijuana caregiver facilities, as defined by the City of Saco’s Zoning Ordinance, effective immediately upon passage this May 15, 2017”. The motion passed with five (5) yeas.

**A. SHARED FINANCE DIRECTOR WITH THE CITY OF BIDDEFORD**

The Finance Director in Biddeford left the organization in March, 2017. The City Administrator in Saco and the City Manager in Biddeford met with the Finance Director in Saco to discuss the possibility of a joint venture between the two communities. The intended purpose of this shared position is not saving money, but rather showing the communities that we’re continuing to collaborate and provide quality service to both communities.

On May 1, 2017 the Saco City Council tabled the agreement for 30 days. On May 2, 2017 the Biddeford City Council voted to approve the agreement. On May 8, 2017, the Saco City Council rescinded the tabling of the item. The Mayor called for a vote and the motion failed (4-3). Councilor Doyle has requested that this item be added to the agenda for the May 15<sup>th</sup> meeting. According to the City Attorney, this will require a two step process, rescinding the vote from May 8<sup>th</sup> and then a second motion regarding the agreement with Biddeford.

The agreement has been revised to incorporate the modifications discussed at both the Joint Council Steering Committee meeting and the City Council meeting on May 8th. The revised agreement has been included below as exhibit item 1.

Rescind the motion – Councilor Doyle moved, Councilor Minthorn seconded to rescind a vote taken May 8, 2017 regarding a Shared Finance Director with City of Biddeford and bring the matter back to the floor for further discussion.

Councilor Johnston excused himself from the meeting at 6:51 p.m.

Mayor Michaud called for a vote on the motion. The motion failed with three (3) yeas and one (1) nay – Councilor Gay.

**VIII. COUNCIL DISCUSSION AND COMMENT**

There were no comments this evening.

**IX. ADJOURNMENT**

Councilor Minthorn moved, Councilor Doyle seconded to adjourn the meeting at 6:52p.m.. The motion passed with unanimous consent.

Attest: \_\_\_\_\_  
Michele L. Hughes, City Clerk