



Sanford City Council

City Council Meeting Minutes – September 22, 2015

The Sanford City Council met at 7:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, September 22, 2015. Those present were: **COUNCILORS:** Mayor Cote, Deputy Mayor Maura A. Herlihy, Councilor Joseph Hanslip, Councilor Alan R. Walsh, Councilor Richard L. Wilkins, Councilor Fred W. Smith and Councilor Victor E. DiGregorio. **CITY MANAGER:** Steven R. Buck **CITY STAFF:** Sherry Lord, Executive Assistant; Shauna Mueller, City Attorney, James F. Nimon, Director of SREGC; Paula Simpson, City Treasurer; Sue Cote, City Clerk & Voter Registrar; Allison Rogers, Airport Manager; Lori Hegarty, Recreation Coordinator; Jim Q. Gulnac, City Planner and Beth Della Valle, Incoming City Planner.

Mayor Cote called the meeting to order at 7:02 pm.

The session began with the Pledge of Allegiance followed by a moment of silence.

Roll Call: Mayor Cote performs the Council Roll Call: Councilor DiGregorio, present; Councilor Smith, present; Councilor Wilkins, present; Councilor Walsh, present; Councilor Hanslip, and Deputy Mayor Herlihy, present.

Minutes

Regular Meeting: September 8, 2015 Councilor Walsh moved to approve, seconded by Councilor Smith. The City Council voted 7-0 to approve.

Mayor's Reports/City Council Sub-Committee Reports

Mayor Cote thanked the Police Chief for holding the ceremony for the 9/11 observance.

City Manager's Report

City Manager Buck gave an update of the November City Ballot. He then invited Beth Della Valle to the podium to present the Maine Association of Planners, 2015 Lifetime Achievement Award to Jim Q. Gulnac.

Communications/Presentations

Public Participation

Marguerite Trowbridge- Thanked everyone that that signed her papers to run for the City Council.

Public Hearings

The City Council will take public comment on the following:

1. An application for liquor license for Y.H. Wang, Inc., D/B/A: Green Tea Restaurant, 1005 Main Street, Sanford, ME. Mayor Cote declared the public

hearing open at 7:19pm. There was no one to speak for or against. The public hearing was closed at 7:19pm.

2. An Amendment to the Municipal Tax Increment Financing District known as the “Sanford Downtown Municipal Tax Increment Financing District” (“Downtown District”) and an amendment to its Development Program and The designation of a new Municipal Affordable Housing Tax Increment Financing District to be known as the “St. Ignatius Affordable Housing Municipal Development and Tax Increment Financing District” (“St. Ignatius District”) and the adoption of a Development Program therefore. Mayor Cote declared the public hearing open at 7:19pm. Jim F. Nimon, Director of the SREGC spoke in favor of the TIF. Mr. Nimon stated that Developer Kevin Bunker has made presentations of the project to the Planning Board and City Council. Jim Q. Gulnac, City Planner spoke in favor of this project. Dr. Bill Frank spoke in favor of this project. He encourages the Council to support this project. Father Phil Tracy also encouraged the City Council to support and he feels that this is the best use for the property. Lori Hegarty member of the community as well as the church spoke in favor of this project. Gwen Bedell member of the church and the church finance committee. She spoke in favor of the use of the building. There was no one else to speak for or against. The public hearing was declared closed at 7:32pm.

Consent Agenda

Mayor Cote sought comments or concerns regarding the following items. There were no comments or concerns. Consent agenda items were approved.

15-114.04 Ordered, to approve the following license request:

1. An application for approval of blanket letter for Two (2) Sealed Ticket Games for the AM VETS Post #3, 169 School Street, Sanford, ME.
2. An application for liquor license for Y.H. Wang, Inc., D/B/A: Green Tea Restaurant, 1005 Main Street, Sanford, ME.

Old Business

15-112.07 Ordered, to approve the proposed amendments to section 41. Of the Council Rules and Order of Business. Mayor Cote read a statement that he had prepared. Councilor Walsh voiced his opinion that he will not be supporting the changes to the amendments as proposed. He feels that the Council as a whole supported this at the beginning of the year and he does not feel it necessary to change it now. Councilor Smith asked that all Councilors should work together. Councilor DiGregorio voiced his disappointment and feels that he was ignored as a Councilor. Mayor Cote suggested that the proposed amendments be approved with the understanding that the sub-committee meetings be held in the Council

Chambers. Councilor Walsh opposed to moving the meetings because he feels that he often needs the City Manager or Executive Assistant to get more information that is in their offices. He feels that the meetings won't be as productive. Councilor Smith stated that he will reluctantly support it. Deputy Mayor Herlihy moved to approve the amendments, seconded by Councilor Hanslip. Point of Order called by Councilor Walsh. He feels that it is not right to bring this item back up that the entire City Council voted on back in January. Councilor Hanslip offered clarification that he was not asking to reconsider the vote that was taken in January he was reconsidering the tabling vote from last meeting. Deputy Mayor Herlihy voiced her concerns. Councilor Hanslip moved to add the public safety sub-committee to section 41. Section 5) Public Safety, seconded by Deputy Mayor Herlihy. The City Council voted 5-2. The City Council voted 5-2 on the original motion.

New Business

- 15-115.02 Ordered, to authorize the closure of the following roads for the 2015 Sanford High School Homecoming Parade on Friday October 2nd at 4:30pm; from Sanford High School Boulevard at the rear entrance toward River Street, turning right onto River Street followed by a right onto W.O. Emery continuing around the rotary to Summer Street and traveling to the end of Summer Street. Turning right onto Main Street and proceeding towards the Memorial Gym and taking a right onto Sanford High School Boulevard. Councilor Walsh moved to approve, seconded by Councilor Wilkins. The City Council voted 7-0 to approve.
- 15-116.03 Ordered, to authorize the closure of a portion of William Oscar Emery Drive, Summer Street to Front Street, from 7am to 5pm on Sunday, October 4th. Councilor Walsh moved to approve, seconded by Councilor Wilkins. The City Council voted 7-0 to approve.
- 15-117.04 Ordered, to accept a bid from Darlings of Bangor for a 4x4 Chevy Pickup with plow for the Sanford Seacoast Regional Airport for an amount not to exceed \$41,921.00. Councilor Walsh moved to approve, seconded by Councilor Wilkins. The property sub-committee is recommending this bid. The City Council voted 7-0 to approve.
- 15-118.05 Ordered, to accept a bid from Wastequip of Charolette, North Carolina for two (2) 40 yard roll off containers for an amount not to exceed \$9,800.00. Councilor Walsh moved to approve, seconded by Councilor Wilkins. The property sub-committee is recommending this bid. The City Council voted 7-0 to approve.
- 15-119.06 The City Council of the City of Sanford Maine, hereby proclaim Sunday, November 1, 2015 as "*Extra Mile Day*". Councilor Walsh moved to approve, seconded by Councilor Wilkins. The City Council voted 7-0 to approve.

15-120.07 Ordered, to Approve Attached Order 15-120.07, Amending the Downtown Development and Tax Increment Financing District and amending the development program for such district, and Designating the St. Ignatius Municipal Affordable Housing Development and Tax Increment Financing District and adopting a development program for such district. Deputy Mayor Herlihy moved to approve with amendments and waived the reading (see attachment), seconded by Councilor Wilkins. Amendment is as follows:

1. The last sentence of Item # 13 in Attachment 7 shall be deleted and replaced with the following: “A valuation table is attached showing estimates of increased assessed values of the district. A revenue table is attached showing 62% of increased assessed values will be applied as captured assessed values, and the resulting tax increments in each year of the project. All tax increment revenues resulting from the 62% captured assessed value will be allocated to project owner and the remaining tax revenues paid on the other 38% of the increased assessed values will be allocated to the municipality’s general fund. Finally, a tax shift table is attached showing a calculation of the tax shifts resulting from designation of the affordable housing development district.”
2. In addition, the revenue table and the tax shift table in Attachment 7 will also be revised prior to submission to the Maine State Housing Authority to reflect a 62% capture rate for the district. Shana Mueller, City Attorney clarified the amendment. The City Council voted 7-0 to approve.

Council Member Comments

Councilor DiGregorio: Wonders why the Council seems to be focusing on Councilor DiGregorio. He stated that he attended the freedom of access training where he learned that he was able to attend sub-committee meetings.

Councilor Smith: He stated that he feels that Councilor DiGegorio needs to have respect for the Council seat that he sits in.

Councilor Wilkins: None

Councilor Walsh: He apologized for the outburst and losing his temper. He will not be accused of wrong doing.

Councilor Hanslip: none

Deputy Mayor Herlihy: Congratulated Mr. Gulnac on his years of service.

Mayor Cote: Thanked the folks that welcomed him at Shaw Field over the weekend. He also was happy to attend the football game at the Cobb Stadium. He thanked the City Manager and Director of the Growth Council for all their hard work. He is very optimistic about the City’s future.

Future Agenda Items

Adjournment

Mayor Cote moved to adjourn regular meeting at 8:29 pm
Respectfully submitted by Sherry Lord, Executive Assistant

2015. __

IN CITY COUNCIL, SEPTEMBER 22, 2015

WHEREAS, the City of Sanford (the “City”) designated its Downtown Municipal Development and Tax Increment Financing District (the “Downtown District”) and adopted the development program for such district initially in 2006, followed by three amendments in 2009, 2012 and 2013; and

WHEREAS, the City has received a request from developers of an affordable housing project at the former St. Ignatius Church and School for an affordable housing municipal development and tax increment financing district on area that is currently located within the Downtown District; and

WHEREAS, there is a need for economic development and for the development of affordable, livable housing in the City of Sanford, in the surrounding region, and in the State of Maine; and

WHEREAS, there is a need to improve and broaden the tax base in the City of Sanford; and to improve the general economy of the City of Sanford and the region by attracting business development to the Downtown District; and

WHEREAS, implementation of the amended existing development program for the Downtown District and the development program for a new affordable housing municipal development and tax increment financing district will help improve and broaden the tax base in the City of Sanford and improve the economy of the City of Sanford and the region by attracting business development to and creating affordable housing in the area of these districts; and

WHEREAS, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City desires to amend the Downtown District and approve the ***Fourth Amendment to the Sanford Downtown Tax Increment Financing District and Development Program*** in order to remove the area to be developed into the St. Ignatius affordable housing project; and

WHEREAS, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City desires to designate a new affordable housing municipal development and tax increment financing district entitled the ***St. Ignatius Municipal Affordable Housing Development and Tax Increment Financing District*** (the “St. Ignatius District”) to be located on the area removed by the ***Fourth Amendment to the Sanford Downtown Tax Increment Financing District***, and adopt a development program for such district; and

WHEREAS, it is expected that approval will be obtained from the State of Maine Department of Economic and Community Development approving this ***Fourth Amendment to the Sanford Downtown Tax Increment Financing District and Development Program***; and

WHEREAS, it is expected that approval will be obtained from the Maine State Housing Authority approving the designation of the ***St. Ignatius Municipal Affordable Housing Development and Tax Increment Financing District and Development Program***; and

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF SANFORD, MAINE:

Section 1 The City of Sanford hereby approves the Fourth Amendment to the Downtown District and the development program for such district. The amendment shall be pursuant to the following findings, terms, and provisions:

Section 2 The City Council hereby finds and determines that:

a. This amendment to the Downtown District development program will not result in the Downtown District falling out of compliance with any of the conditions of 30-A M.R.S.A. Section 5223(3); and

b. The Downtown District the pursuit of the Downtown District development program will make a contribution to the economic growth and wellbeing of the City of Sanford and the surrounding region, and will contribute to the betterment of the health, welfare, and safety of the inhabitants of the City of Sanford, including a broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose. The City has considered all evidence, if any, presented to it with regard to any adverse economic effects on or detriment to any existing business, if any, is outweighed by the contribution expected to be made through the amendment to the Downtown District and Downtown District development program.

Section 3 Pursuant to the provisions of 30-A M.R.S.A. § 5227, the percentage of increased assessed value to be retained as captured assessed value in accordance with the Downtown District development program is hereby set forth in the Downtown District development program.

Section 4 The City Manager, or his duly appointed representative, is hereby authorized, empowered, and directed to submit the proposed Amendment to the Downtown District and the Downtown District development program to the State of Maine Department for Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226.

Section 5 The foregoing adoption of the amendment to the Downtown District and the Downtown District development program shall automatically become final and shall take full force and effect upon receipt by the City of approval by the State of Maine Department of Economic and Community Development, without requirement of further action by the City, the City Council, or any other party.

Section 6 The City Manager, or his duly appointed representative, is hereby authorized and empowered, at his discretion, from time to time, to make such revisions to the Downtown District and to the Downtown District development program as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Downtown District by the State of Maine Department of Economic and Community Development, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the Downtown District development program.

Section 7 Pursuant to Chapter 206, Subchapter 3 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the *St. Ignatius Municipal Affordable Housing Development and Tax Increment Financing District* and hereby adopts the St. Ignatius District development program described as more particularly set forth in the documents presented to the City Council in conjunction with this Order.

Section 8 Pursuant to the provisions of 30-A M.R.S.A. § 5250-A, the percentage of captured assessed value to be retained in the St. Ignatius District is hereby established as set forth in the St. Ignatius District development program.

Section 9 The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the St. Ignatius District and the proposed development program for the St. Ignatius District to the Maine State Housing Authority for review and approval pursuant to the requirements of 30-A M.R.S.A. Chapter 206, Subchapter 3; and further is authorized to execute Credit Enhancement Agreements consistent with the provisions of the St. Ignatius District development program as presented and approved herein, and to create the accounts and take all the actions described in such agreements.

Section 10 The City Manager be and hereby is authorized and empowered at his direction from time to time to make such revisions to the St. Ignatius District development program for the St. Ignatius District as he deems reasonably necessary or convenient in order to facilitate the process of review and approval of the St. Ignatius District by the Maine State Housing Authority, or for any other reason, so long as such provisions are not inconsistent with these resolutions or the basic structure and intent of the St. Ignatius District development program. The City Manager is also hereby authorized and directed to submit any reports to the Maine State Housing Authority regarding the St. Ignatius District and development program throughout the term of the District.

Section 11 The foregoing designation of the St. Ignatius District and the adoption of the development program for the St. Ignatius District shall automatically become final and shall take full force and effect upon receipt by the City of approval of the proposed St. Ignatius District by the Maine State Housing Authority without requirements of further action by the City, City Council or any other party.

Section 12 The City hereby finds and determines that:

a. At least twenty-five percent (25%), by area, of the real property within the St. Ignatius District, as hereinafter designated, is suitable for residential use, blighted area, or is in need of rehabilitation or redevelopment; and

b. The total area of the St. Ignatius District does not exceed two percent (2%) of the total acreage of the City, and the total area of all development districts within the City does not exceed five percent (5%) of the total acreage of the City; and

c. The original assessed value of the St. Ignatius District plus the original assessed value of all existing affordable housing development districts within the City does not exceed five percent (5%) of the total value of taxable property in the City.

d. The St. Ignatius District and pursuit of the St. Ignatius District development program will contribute to the expansion of affordable housing opportunities within the municipality or to the betterment of the health, welfare or safety of the inhabitants of the City. The City has considered all evidence, if any, presented to it with regard to any substantial detriment to another party's existing property interests in the City and has found and determined that such interested party's property interests in the City are outweighed by the contribution made by the St. Ignatius District or its development program to the availability of affordable housing within the City or to the betterment of the health, welfare or safety of the inhabitants of the City.