

1. CALL TO ORDER

Mayor Rines called the meeting to order at 7:09 PM

2. ROLL CALL

Jean Dellert, District 3
Dennis Doiron, At-Large
Steve Hanley, At-Large
Phil Hart, District 4

Richard Nickless, At-Large
Richard Rambo, District 2
Michael Webster, District 1
Mayor Brian Rines
Jeffrey Kobrock, City Manager
Molly Gallant, Council Clerk

3. PETITIONS, COMMUNICATIONS, RESOLUTIONS, & PUBLIC HEARINGS

3.1 Public Hearing – Amending Zoning Ordinance 04-50, Land Use Table Section 2F.

Public Hearing opened at 7:10. Chris Pascyz, Economic Development and Planning Director explained to the Council that the Gardiner Planning Board, KVCOG, and the City Solicitor recommend the Land Use Table (Section 2F) be changed. Specifically, Communications Facilities in Existing Tower Structures would be changed in Rural, Residential Growth, High Density Residential, and Professional Residential from "NO" to "PB" (Subject to Planning Board Review). All Site Plan Review applications will –as always – require advertising, abutter notification, public hearing, and require a Planning Board vote for approval. This change allows a structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, and personal communications service (PCS) or pager services to be placed on an existing tower structure in all zones. Existing tower structures include existing communication towers and church steeples. This change is being made to accommodate evolving technology, where telecom companies are implementing “stealth” technologies and installing “micro” sites throughout communities, improving cellular phone service while minimizing aesthetic impacts.

Public Hearing closed at 7:29 pm.

3.2 Consideration of Comments from the Public on Issues that Do Not Appear Elsewhere on the Agenda (Please limit comments to five minutes.)

Cindy Sirois discussed with the Council her concerns with not having an available enforcement person when the Code Enforcement Officer is not available. Manager Kobrock stated that Bill Stevens is available Monday through Friday from 8:00 am until 12:00 pm. Ms. Sirois also asked the Council if she could be on the November 18th Agenda in Executive Session. Mayor Rines asked Manager Kobrock to review and report back to the Council.

Dave Smith invited the City Council to participate with City Employees in purchasing phone cards for the 133rd unit in Iraq. The deadline is November 15th to make sure that it gets to the troops in time for Christmas.

4. CONSENT AGENDA

4.1 Consideration of Accepting September/October 2004 Warrants

#10	09/02/04	030686-030804	\$ 257113.02
#11	09/09/04	030805-030913	\$ 126865.51
#12	09/16/04	030914-030999	\$ 539388.88
#13	09/23/04	031000-031080	\$ 147834.07
#14	09/30/04	031081-031178	\$ 282352.06
#15	10/07/04	031181-031240	\$ 557828.38
#16	10/14/04	031242-031307	\$ 90805.13
#17	10/21/04	031308-031385	\$ 481802.97
#18	10/28/04	031386-031482	\$ 263916.57

4.2 Consideration of Councilor Hanley Signing November 2004 Warrants.

4.3 Consideration of Accepting Council Minutes 9/2, 9/16, 9/23, 9/30, 10/7.

Councilor Hart stated that he wanted the September 2nd Minutes to reflect why he voted against Item 5.7.

Councilor Rambo stated that he would like the September 23rd Minutes to clarify when the Council picture would be taken.

Motion by Councilor Dellert and seconded by Councilor Webster to Accept Consent Agenda Items 4.1-4.3 .

Vote: 8 in favor 0 – opposed Motion: passes.

5. NEW BUSINESS

Mayor Rines asked if there were any objections to taking an item out of order, there were no objections.

5.3 Consideration of Ordinance 04-50, Amending Zoning Ordinance, Land Use Table Section 2F.

Motion by Councilor Rambo and seconded by Councilor Webster to Accept Ordinance 04-50, Amending Zoning Ordinance, Land Use Table Section 2F.

Vote: 8 in favor 0 – opposed Motion: passes

5.1 Consideration of Approval of Downtown Multi-Family Grant Awards.

Shirar Wilder Economic Development Associate told the Council that the Housing Committee unanimously recommends the City grant three awards for downtown building owners to rehabilitate their multi-family units. These awards will be made from the Maine State Housing Authority (MSHA) Multi-Family Grant Award. The Planning and Development Department has been working closely with Gardiner Main Street to advertise and award grants to downtown residential property owners. These grants will allow for rehabilitation of existing residential units and creation of additional units from under-utilized downtown space. In April, the Council to approved the ARTDOGS project at 275-277 Water Street. The new projects will receive funds from the same MSHA grant. There are three separate rehabilitation projects that the housing committee recommends for approval. These plans dovetail with the policy goals for the housing program and Gardiner Main Street’s vision for the future.

The Housing Committee has voted to support these projects and provide maximum assistance for the property owners.

1. 335 Water Street: \$10,000
2. 323 Water Street: \$2,600
3. 279-283 Water Street: \$20,000

Motion by Councilor Webster and seconded by Councilor Dellert to Accept Downtown Multi-Family Grant Awards.

Vote: 8 in favor 0 – opposed Motion: passes

5.2 Discussion of Tobacco Free Playgrounds and Playground Fields.

Manager Kobrock stated to the Council that he had recently met with Sara Finke from Getting Healthy and discussed restricting tobacco on the playgrounds. This is a practice that has been adopted throughout the Country. It would involve the playgrounds at Quimby Field, the Boys and Girls Club, Common & the South Gardiner Playground. The Council thought that it was a wonderful idea, Manager Kobrock will have a resolution for the Council to review at the next Council meeting.

5.4 Consideration of Hiring of New Reserve Officer.

Jim Toman stated to the Council that he is in the process of appointing Luke Sirios, of Gardiner, as a candidate for the police reserve list. Luke comes highly recommended, having just completed the 100- hour course with the Maine Criminal Justice Academy.

Motion by Councilor Hanley and seconded by Councilor Nickless to Accept the hiring of a New Reserve Officer.

Vote: 8 in favor 0 – opposed Motion: passes

5.5 Consideration of Sewer Abatements.

Motion by Councilor Rambo and seconded by Councilor Dellert to Accept Sewer Abatements.

Vote: 8 in favor 0 – opposed Motion: passes

5.6 Consideration of Sewer User Fees.

Motion by Councilor Dellert and seconded by Councilor Rambo to Accept Sewer User Fees.

Vote: 8 in favor 0 – opposed Motion: passes

6. CITY MANAGER REPORT

Manager Kobrock stated that the Council picture will be taken around the time of Council Inauguration.

Manager Kobrock also stated that the organizational analysis item will be on the next Council Agenda.

7. **COUNCIL DISCUSSION AND PUBLIC COMMENTS**

Councilor Dellert asked the Council to remember Norman Gardner, he will greatly missed.

Councilor Webster remarked that he had received many complaints regarding Thomas McBrines' yard, there is junk and now rats. Something needs to be done. Manager Kobrock stated that it will be on the Code Enforcement Officers list when that person is hired.

Councilor Rambo asked how the Code Enforcement Officer search was coming. The committee is still in the interview phase. Councilor Rambo asked if the Mayor had decided on a member for the Land Use Code Committee.

Councilor Doiron stated that he thought it would be a good idea to have a committee formed to work on the budget.

Councilor Nickless congratulated new State Representative Hanley on winning his election, along with congratulations to Councilor Doiron.

Mayor Rines stated that he wanted the Council be aware of Ending Hunger Week. There will be no public gatherings, but the Food Bank wanted everyone informed. If he receives more information, he will pass it on.

Recess at 8:45 pm

Back in Session at 9:04 pm

Motion by Councilor Rambo and seconded by Councilor Hanley to go into Executive Session.

Vote: 8 in favor 0 – opposed Motion: passes

8. **EXECUTIVE SESSION per MRSA, Title 1, Chapter 13, Section 405 (6) (A)**
Personnel

Out of Executive Session at 9:50 pm

Motion by Councilor Hanley and seconded by Councilor Nickless to accept Manager Kobrock's recommendations to Accept Order 04-51 Regarding Increases for Management/Non-Union Employees.

Councilor Hart and Dellert stated that they would like to have time to think over the motion.

Council Minutes of November 4, 2004

Motion by Councilor Rambo and seconded by Councilor Hart to table the motion

Vote: 5 in favor 3 opposed (Dellert, Hart, Rambo) Motion: fails

Motion by Councilor Rambo and seconded by Councilor Hart to table the motion until the next regular meeting (December 4, 2004).

Vote: 5 in favor 3 opposed (Dellert, Hart, Rambo) Motion fails

Motion by Councilor Hanley and seconded by Councilor Nickless to accept Manager Kobrock's recommendations to Accept Order 04-51 Regarding Increases for Management/Non-Union Employees.

Vote: 5 in favor 3 opposed (Dellert, Hart, Rambo) Motion passes

9. ADJOURNMENT

Mayor Rines adjourned the meeting at 10:00 pm.

Respectfully submitted,

Molly M. Gallant
Council Clerk