

Mayor Hart called the meeting to order at 6:00pm

1. ROLL CALL

Patricia Hart, Mayor at large; Councilors: Marc Rines, District 4; Amy Rees, District 2; Terry Berry, District 1; Maryann White, At large; Tim Cusick, At large; Jon Ault, At large

Absent: Shawn Dolley, District 3

Also in attendance: City Manager, Christine Landes; Administrative Assistant, Tara Miley; Anne Davis, Thomas Fiorelli, Melinda Hahn, Jim Dinkle, Jason Everett, Tina Wood, Jim Keenan, Tony LaPlante, Doug Clark, Jessica Lowell, Al Nelson

Mayor Hart asked for everyone to stand in a moment of silence for State Trooper Ben Campbell.

2. PETITIONS/PUBLIC HEARINGS

Anne Davis spoke to the updates made in council chambers to the speaker system. It should be complete next week.

a) Continuation of City of Gardiner's Second Moratorium Ordinance on Adult Use Marijuana Establishments

This agenda item is a Public Hearing for the Continuation of The City of Gardiner's Second Moratorium Ordinance on Adult Use Marijuana Establishments.

On December 21, 2016, the City of Gardiner originally adopted a Moratorium Ordinance on Retail Marijuana Establishments and Social Clubs. This moratorium had been extended on multiple occasions. The circumstances surrounding marijuana regulations gave rise to the need for the 'adult use' moratorium to still exist. (Social Clubs have now been excluded from the state law, so this category is not applicable.)

On November 28, 2018, the City Council adopted a moratorium on the location, establishment, operation, or licensing of any adult use marijuana establishments, including cultivation facilities, product manufacturing facilities, testing facilities, or marijuana stores within the city.

This ordinance was applicable as of October 29, 2018 and remains in effect for one hundred and eighty (180) days (expiring April 27, 2019). As the State of Maine is still in the development phase of adult use establishments, it is recommended that the City Council consider extending this moratorium for another 180 days. This will allow the Land Use Code and other applicable ordinances to be reviewed.

A copy of the moratorium is listed under Item 4.2.

City Manager Landes reviewed the history of the Moratorium Ordinance on Retail Marijuana Establishments and Social Clubs.

Mayor Hart opened the public hearing at 6:04 and asked for any comment from the public.
Mayor Hart closed the public hearing at 6:06.

b) Renewal Liquor License for Pastaz, Inc.

This agenda item is the Public Hearing to possibly approve a liquor license renewal for Pastaz, Inc.

The renewal application is attached to item 4.3. This Public Hearing was advertised on March 19, 2019.

Mayor Hart opened the public hearing at 6:06 and asked for any comment from the public.

Mayor Hart closed the public hearing at 6:07.

c) Renewal Liquor License/Bottle Club for Gardiner Sportsmen's Club

This agenda item is the Public Hearing to possibly approve a liquor/bottle club license renewal for Gardiner Sportsmen's Club.

The renewal application is attached to item 4.4. This Public Hearing was advertised on March 19, 2019.

Mayor Hart opened the public hearing at 6:07 and asked for any comment from the public.

Mayor Hart closed the public hearing at 6:07.

d) New Liquor License for The Bench

This agenda item is the Public Hearing for consideration of the City Council to approve a new liquor license for The Bench under Item 4.5.

The original application is attached under item 4.5. This is due to a change in ownership. This Public Hearing was advertised on April 2, 2019.

Mayor Hart opened the public hearing at 6:07 and asked for any comment from the public.

Mayor Hart closed the public hearing at 6:08.

3. NEW BUSINESS

Councilor White moved to take agenda item #9 out of order and move it up to #1.

Councilor Ault seconded .

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous.

1. Consideration of a Major Special Event: Waterfront Park Classic Cruise In

Jason Everett has submitted an application to hold the annual special event, the Waterfront Park Classic Cruise In. This event is held 3-7 on Thursdays from May-September. The last two parking lots, adjacent grass fields, and grass area near boat launch is the areas used for the event.

This year Jason has asked that twenty local vendor spots be allowed for local area businesses to set-up. This request is in hopes that local vendors/downtown merchants will be showcased and that the costs incurred to run the event will be minimally subsidized. (See map for details.)

Jason Everett has asked to attend the meeting. Thomas Fiorelli will also be present to explain the economic driver behind the event change request.

Thomas Fiorelli and Jason Everett spoke on behalf of the Classic Cruise in.

Thomas Fiorelli recapped discussions had with Everett and Skelton earlier about ways to address concerns with construction, trash, electrical needs, and adding vendors to the event.

Councilor Cusick moved to approve the Major Special Event for the Waterfront Park Classic Cruise In. Councilor Rees seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous. Councilor Ault stepped away.

2. Update from Jim Dinkle, Executive Director of Kennebec Regional Development Authority/First Park

Jim Dinkle, Executive Director for First Park, will be present to brief the City Council on activities and events that have occurred over the past year at the business park in Waterville.

First Park Directors, along with other major non-profits and other organizations, have been asked to present to the City Council as part of the upcoming review of the FY20 budget.

Jim Dinkle gave an update on First Park. After a brief history of First Park the following activities and events have taken place over the past year: Appraisal completed and new pricing offered for remaining 17 lots, new signage posted on KMD and interstate, adopted strategic marketing plan, adopted a monthly newsletter to improve communication with stakeholders, refreshed website, a Facebook page was created, several property transfers, Dental office also purchased a building, Maine General expanded a parking lot, stakeholder event held last August with a nice turnout, EPA grant awarded for Environmental Study on abutting property, attending Bio Trade Show in Boston, Site Selector visit in Chicago. Economic Impact Study expected to be complete this fall.

Mayor Hart requested an update on the fiscal revenue. \$34,500 expected. Refund (TIF) for current year unknown.

Mayor Hart requested clarification on the abutting lot. Lot was subdivided and is part of the KRDA.

Councilor Berry asked about likelihood of revising covenants. Jim Dinkle advised they have been relaxed allowing for more flexibility as to what kinds of businesses can come into the park. Councilor Berry also asked about payoff of the park. Jim Dinkle advised park will be paid off 11/2020. No talk currently of KRDA seeking additional bonds at this time.

3. Consideration for a continuation of The City of Gardiner's Second Moratorium Ordinance on Adult Use Marijuana Establishments

On December 21, 2016, the City of Gardiner originally adopted a Moratorium Ordinance on Retail Marijuana Establishments and Social Clubs. This moratorium had been extended on multiple occasions. The circumstances surrounding marijuana regulations gave rise to the need for the 'adult use' moratorium to still exist. (Social Clubs have now been excluded from the state law, so this category is not applicable.)

On November 28, 2018, the City Council adopted a moratorium on the location, establishment, operation, or licensing of any adult use marijuana establishments, including cultivation facilities, product manufacturing facilities, testing facilities, or marijuana stores within the city.

This ordinance was applicable as of October 29, 2018 and remains in effect for one hundred and eighty (180) days (expiring April 27, 2019). As the State of Maine is still in the development phase of adult use establishments, it is recommended that the City Council consider extending this moratorium for another 180 days. This will allow the Land Use Code and other applicable ordinances to be reviewed.

Councilor Berry moved to extend The City of Gardiner's Second Moratorium Ordinance on Adult Use Marijuana Establishments for another 180 days: expiring on October 24, 2019.

Councilor Rines seconded.

Mayor Hart asked for any discussion from the Councilors.

Councilor Ault shared news articles supporting MJ businesses in other communities (Auburn, Bath, and Waterville). Concerned we are being too restrictive and we may want to look to neighboring communities. Councilor Ault would like to see Economic Development Director, Thomas Fiorelli, to look into what other communities are doing prior to the expiration of the current Moratorium. He stated a concern that another Moratorium may be an obstacle to potential new businesses. He would like to delay action on further Moratoriums.

Mayor Hart questioned if we can “undo” a moratorium. City Manager Landes indicated that could be done.

Councilor Berry stated he thought the purpose of the moratorium was to protect the interest of the city while ordinances were being reviewed.

Councilor Ault reiterated his concern that another Moratorium may be an obstacle to Economic Development Director, Thomas Fiorelli.

Mayor Hart advised the ordinance review has not begun on this issue yet.

Councilor Cusick spoke supported Councilor Ault’s idea to have Economic Development Director, Thomas Fiorelli review. He is reluctant to “rubberstamp” another 180 day extension. City Manager Landes reiterated that the Moratorium can be pulled back prior to the 180 expiration should it decide to do so.

Councilor Berry spoke about the unique situation in Lewiston/Auburn due to the location of Wellness Connection thus they had many of the ordinances in place already. Supports 180 renewal, while prioritizing ordinance review.

Councilor Ault suggests no vote taken until Economic Development Director, Thomas Fiorelli information is obtained.

City Manager Landes suggests approving the Moratorium, then get info from Economic Development Director, Thomas Fiorelli, and then it can be retracted if need be.

Councilor Berry voiced that the real issue is ordinance review. He agrees that there are economic development opportunities.

Mayor Hart asked for any further discussion. All those in favor. Unanimous.

Councilor Ault moved to direct the Ordinance Review Committee prioritize proposing rules for Adult Use Marijuana in the City of Gardiner.

Councilor Berry Seconded.

Mayor Hart asked for any further discussion. All those in favor. Unanimous.

4. Consider approval of Liquor License Renewal for Pastaz, Inc.

Councilor Rees moved to approve the liquor license renewal for Pastaz, Inc.

Councilor White seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous.

5. Consider approval of Liquor License/Bottle Club Renewal for Gardiner Sportsmen's Club

Councilor Cusick moved to approve the liquor/bottle club license renewal for Gardiner Sportsmen's Club.

Councilor Rines seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous.

6. Consider approval of a New Liquor License for The Bench

Councilor Cusick moved to approve the liquor license renewal for The Bench.

Councilor White seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous.

7. Consideration of Waiving the \$50 Fee for the Cobbosseecontee Community Kiosk on the Harrison Avenue Nature Trail

Tina Wood from Upstream, a local non-profit, has submitted an application to build an educational and inspirational kiosk at the trail head of the Harrison Avenue Nature Trail. The proposed structure, being built by Cury Caputo, is 7.25'x4.5'x9.75' (33 sq. ft.). It will be built out of pressure treated materials with a hardie panel in the center. This project has an estimated value of \$3,325 and will be built at no cost to the city.

This property is owned by the City of Gardiner, however, the Kennebec Land Trust has an easement on the lower half and they have granted permission for the project.

The City of Gardiner Code, Chapter 5, Section 152, allows the City Council to waive or reduce the scheduled fees for any non-profit or civic organization that serves the interests of the City's residents, as determined by the Council.

The Gardiner City Council is being asked to waive the \$50 permit fee, as the kiosk serves the city's residents with educational and inspirational messaging at the trail head on the Harrison Avenue Nature Trail.

Tina Wood spoke on behalf of Upstream. The community kiosk would highlight several non-profits as well as educate the community. The project is designed to attract people to the Gardiner area to take advantage of the Harrison Ave Nature trail and river.

Councilor Rees asked where/how the banners would be displayed. Tina Wood advised they will be staked into the ground along the trail up to the picnic tables. Then they will be moved to Steamboat Lane.

Councilor Ault moved to waive the \$50 scheduled fee for Upstream to build a kiosk at the trail head of the Harrison Avenue Nature Trail. This approval is given with our thanks to Tina Wood, and Upstream, for their volunteerism and funding for the project.

Councilor Rees seconded.

Mayor Hart asked for any discussion from the Councilors. All those in favor. Unanimous.

8. Gardiner Main Street update on changes to the annual Swine & Stein Oktoberfest

Gardiner Main Street Executive Director, Piper Panzeri, has asked to speak with the City Council regarding a proposed change to the annual Swine and Stein Oktoberfest.

She will be present to brief the City Council and answer any questions that the Council may have.

Melinda Hahn spoke on behalf of Gardiner Main St. This is the 10th Anniversary of Swine and Stein. They would like this to be changed to more of a “Brewfest” format versus catered format. Breweries would be serving under their own licenses; they are certified servers. People would be limited to # of pours allowed. Business owners expressed concern about the closed off area deterring business due to the need to “re-enter” the venue. This is the biggest fundraiser for GMS.

Councilor Berry asked if vendors would be limited to Gardiner brewers. Melinda Hahn advised that brewers would be invited from all over Maine. Councilor Berry also asked about vendor fees. Melinda Hahn advised GMS pays a stipend to vendors to come. Vendors bring a limited amount of beer and pour until it’s gone.

Councilor Rees expressed concern that Pine State is being pushed out of the event. Melinda Hahn advised GMS will work with Pine State to continue their involvement.

9. Consideration of a Major Special Event: Memorial Day Parade/Smith Wiley American Legion

The Smith-Wiley American Legion has submitted an application for the annual Memorial Day Parade and Ceremony being held on Monday, May 27, 2019 at 10am.

Jim Keenan spoke on behalf of Smith Wiley American Legion for the Memorial Day Parade. They requested a waiver of the Police Department fee. Wreath laying begins at 7am in surrounding areas. There are 2 ceremonies involving rifle salutes.

City Manager Landes clarified that the request to waive the PD fee came in after, suggested a second motion be considered for the fee waiver.

Councilor Cusick moved to approve the Major Special Event for the Smith Wiley American Legion to be held on Monday, May 27, 2019.

Councilor Rines seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous.

Councilor Rees moved to waive \$800 fee for the major special event of the Memorial Day Parade.

Councilor White seconded.

Mayor Hart asked for any discussion from the Councilors. Seeing none. All those in favor. Unanimous

10. Review of tax acquired properties that are being proposed to be sent out to bid

- a. Map 041, Lot 039; 7 Cannard Street Minimum Bid \$8,550
- b. Map 041, Lot 026; 47 Cannard Street Minimum Bid \$9,750
- c. Map 022, Lot 073; 38 Partridge Drive Minimum Bid \$4,000
- d. Map 010, Lot 010B; 0 Harley Road Minimum Bid \$3,500

Recently the list of tax foreclosed properties was reviewed by Councilor Berry, CEO Skelton, City Manager Landes, Assessors Agent Lebel, and Tax Collector Cutler. The following four properties are

being sent to the City Council for their review and acceptance of sending them to bid with the recommended minimum amounts.

The Council is being asked to review the minimum bid proposal.

City Manager Landes explained that there are still residents living at 7 Cannard St.

Residents of 47 Cannard St are meeting with Tax Collector Kathy Cutler.

38 Partridge Dr property will be pulled. We would like to do more research on this property.

0 Harley Rd is land only.

Councilor Cusick moved to approve the above noted properties A, B & D be sent to bid, with the recommended minimum bids.

Councilor White seconded.

Mayor Hart asked for any discussion.

Councilor Rees expressed concern about A and B due to residents living there and meeting with Tax Collector Cutler. City Manager Landes advised Tax Collector Cutler will work with parties prior to sending out to bid.

Councilor Ault requested clarification about foreclosure. The City owns these properties, but seems like a breakdown of communication for the properties on Cannard St. Councilor Ault also asked if there if other foreclosed properties are still inhabited. Councilor Berry advised that some of these foreclosed properties have been drawn out for years. The city is now trying to catch up with backlog on foreclosed properties. Councilor Ault also asked about the ability to work with homeowners if minimum bids are required. City Manager Landes reminded that homeowner negotiations occurred in Executive Session. Councilor Berry also advised that the city reserves the right to reject any bids such in the event that the city is working with the homeowners. Mayor Hart also has discomfort about putting props to bed when people still reside in those properties. Mayor Hart requests a list of occupied properties in the future.

Councilor White asked a clarifying question about whether properties would hold off going to bed until Tax Collector Cutler has had a chance to work with the homeowners. City Manager Landes advised Tax Collector Cutler would meet with B tomorrow.

Councilor Ault does not feel comfortable accepting all properties.

Mayor Hart asked for any discussion. 3 in favor. 4 opposed.

Councilor Ault moved to approve the property located Map 010, Lot 010B; 0 Harley Road Minimum Bid \$3,500.

Councilor Rees seconded.

Mayor Hart asked for any discussion.

Councilor Cusick cannot support this new motion as he feels the city has taken all reasonable steps and it is delaying the process unnecessarily. Councilor Cusick reiterated that the homeowners will have an opportunity to work with the city before it goes to bid.

Councilor Berry stated that the resident is not necessarily the homeowner. Also this motion simply moves the process forward and supported Councilor Cusick's argument that homeowners have the opportunity to rectify this situation.

Mayor Hart and Councilor Ault both feel information ahead of time would be helpful.

Councilor Rees expressed support to wait until the residents have had opportunity to meet with the city.

Councilor Berry suggested we scrap the whole list due to the expense of sending to bid. City Manager Landes advised the city would hold on putting out to bid until more properties were ready so no additional cost.

Mayor Hart asked for any discussion. 6 in favor. 1 opposed (Councilor Cusick).

11. Accept minutes of March 20, 2019

Councilor Berry moved to accept the minutes of the March 20, 2019 meeting as presented.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous

- **EXECUTIVE SESSION (none)**

- **CITY MANAGER REPORT**

- Bike Maine Coalition Grant- we were not chosen.
- Resignations Barb Skelton is leaving at the end of the month and going to South Portland, Dustin Barry has been with the City for 9 years and is going to the City of Westbrook, Emily Davies is leaving the first week of May to attend Graduate School
- New Employee Cynthia Burnham, Planning Assistant
- May 6th is the School Board Meeting which Council has been invited to attend.
- Budget workshop April 17th and 22nd
- Revenue Sharing link has been shared
- Next Meeting Anne Davis will take the place of City Manager Landes while on vacation
- Tax Collector Cutler received a bid for 210 Costello Rd. \$2,000 minimum bid. There is a cleanup clause.

Councilor Berry moved to accept the for 210 Costello Rd. for the \$2,000 minimum bid.

Councilor White seconded

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous

- **CITY COUNCIL REPORT**

Councilor Ault: Upstream will have an Earth Day clean up on Cobbossee Stream and corridor. City is doing a backyard composting sale. He is also hoping for an update on the West St home that burned down. He has been getting some complaints about the structural stability of the home.

Councilor Cusick: All set

Councilor White: Earth Day clean up on Cobbossee Stream and corridor on April 20.

Councilor Berry: Reminded Council that he requested an update from Waste Water. It will be emailed from Waste Water.

Councilor Rees: Went to visit Pine State and had a tour.

Councilor Rines: All set

Mayor Hart: Invited to march in Memorial Day parade. She would like to know if councilors would be able to walk as a group without any issues. Music Walk is Saturday night. Livingston Taylor concert at Johnson Hall. GMS holding event Saturday prior to Easter.

Doug Clark, Waste Water Director, gave an update on equipment upgrade at the plant. RPC units are being to fail. 6 out of 10 are now operational. Equipment purchases will need to be fast tracked. Hoyle Tanner will conduct a conceptional design study, cost is unknown. Funding options are being considered to include Rural Development. Hoyle Tanner is familiar with the system. Waste Water advisory board has approved the study with an approximate cost of \$11K. Councilor Berry asked if the original engineer firm was a viable option, they are no longer doing this work. Councilor Berry also questioned if all units would be replaced or just the ones that are down.

Doug Clark advised that all are being looked at being replaced. There is a risk of going into violation if it is not resolved quickly.

- **ADJOURN**

Councilor Berry moved to adjourn.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:05 pm

(Approved during the May 08, 2019 Council Meeting)