

Mayor Hart called the meeting to order at 6:07pm.

1. ROLL CALL & PLEDGE OF ALLEGIANCE

Patricia Hart, Mayor at large; Councilors: Terry Berry, District 1; Colin Frey, District 3; Maryann White, At large; Jon Ault, At large; Tim Cusick, At large; Amy Rees, District 2; Marc Rines, District 4

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Economic Development Director, Tracey Desjardins; Finance Director; Denise Brown, City Librarian; Anne Davis, Fire Chief; Al Nelson, Waste Water Director; Doug Clark, Charlie Langston, Tracy Meehan, Dennis Meehan, Jessica Lowell, Dennis Wheelock

2. PUBLIC COMMENT (anything not on the Agenda)

Mayor Hart asked for any comment from the public. Hearing none, we will move on to the next item on the agenda.

3. PETITIONS/PUBLIC HEARINGS

- a. Public Hearing on a Proposed Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11

This agenda item is a Public Hearing for a proposed Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11.

The City Council previously approved sending a proposed Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11 to a first and second read.

Mayor Hart opened the public hearing at 6:09pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:09pm.

4. NEW BUSINESS

1. First Read of Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11

Councilor Rees moved to send the Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11 to a second read on February 19, 2020.

Councilor White seconded.

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

2. Approve Sending Proposed Amendments to the Land Use Code to First and Second Read/Addressing the Treatment of Marijuana Establishments

The following amendments are being proposed:

Section 17; Definitions

Section 7.6.3 Commercial Uses

Section 7.6.4 Industrial, Wholesale & Transportation Uses

Section 10 Special Activity Performance Standards to create a new section 10.28

Section 6.2.3.2 Activities Subject to PB Review to add a new section 6.2.3.2.9

Planning Board Chair Debby Willis gave an overview of the proposed amendments.

Councilor Berry asked if there is a limit of number of facilities allowed.

Debby Willis replied that there is not. That is something for Council to consider.

Councilor Berry asked where the operational hours being 8:00am – 8:00pm came from since you can buy alcohol at different times than those in the proposal.

Debby Willis replied that it is just a traditional time for Downtown businesses.

Councilor Rees moved to send the proposed amendments to the Land Use Code addressing the treatment of marijuana establishments to a first and second read on 2/19/2020 and 3/4/2020 respectfully.

Councilor Ault seconded.

Mayor Hart asked for any discussion.

Councilor Rees recommended being cautious about saying no to having these types of businesses in the City as it is a huge opportunity. She is in favor of putting some limits in place.

Councilor Ault agreed with Councilor Rees. He asked if Council has the discretion to determine how many licenses could be issued.

Debby Willis replied that if an applicant goes to Planning Board and meets all the criteria, then a license must be issued.

Councilor Berry opposed limiting how many businesses can be approved. He also did not agree with limiting the hours of operation.

Councilor Cusick thanked the ORC and Planning Board for all their work on the proposal. He is in support of it as presented.

Councilor White agreed with Councilor Cusick and Council Rees. We should welcome businesses to the City.

Councilor Rines is not in favor of setting hours of operation.

Councilor Ault reminded everyone that the proposal is a permissive document.

Debby Willis stated that it went to public vote a couple years ago and did not pass within the City. A Task Force Community was formed and recommended it go forward.

Mayor Hart said numerous residents spoke with her about concerns that it would be too easily assessable. She recommends that the hours of operation be limited to 8:00am through 8:00pm with the knowledge that Council can revisit changes the hours at a later date.

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

3. Approve Sending Proposed Amendments to the Land Use Code to First and Second Read
/Addressing the Treatment of Commercial Solar Arrays

The following amendments are being proposed:

Section 17; Definitions

Section 7: Amend Land Use Table in subsection 7.6.4

Section 6: Revise subsection 6.2.3.3 Activities Subject to Site Plan Review/adding a new section 6.2.3.3.7

Planning Board Chair Debby Willis gave an overview of the proposed amendments.

Councilor Frey moved to send the proposed amendments to the Land Use Code addressing the treatment of commercial solar arrays to a first and second read on 2/19/2020 and 3/4/2020 respectfully.

Councilor Berry seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous (Councilor Ault was absent for the vote)

4. Consider Sending Two TAP Properties Out to Bid

Tax Collector Cutler is requesting the City Council to approve sending two tax acquired properties out to bid:

21 Adams St., Map 036 Lot 021, minimum bid \$5,000

0 Orchard St., Map 026 A Lot 015 A, minimum bid \$10,000

Bid documents would go out February 7, 2020, with a deadline of February 14, 2020. Bids would be presented to council on the meeting of February 19, 2020 to possibly award a winning bid.

Councilor Berry moved to send 21 Adams Street (Map 036 Lot 021) out to bid with a minimum bid of \$5,000 and to send 0 Orchard Street (Map 026A Lot 015A) out to bid with a minimum bid of \$10,000.

Councilor Cusick seconded.

Mayor Hart asked for any discussion.

Councilor White commented that the dates of the second property being put out to bid have already gone by and asked if there was a mistake on the paperwork.

City Manager Landes replied that it would be corrected by the Tax Collector before advertising the properties.

Councilor Berry stated that the land on the corner of the 0 Orchard Street has public water and sewer. He believes that \$10,000 is too low and recommended a higher minimum bid price of \$35,000.

Councilor Berry amended his motion to read as follows:

Councilor Berry moved to send 21 Adams Street (Map 036 Lot 021) out to bid with a minimum bid of \$5,000 and to send 0 Orchard Street (Map 026A Lot 015A) out to bid with a minimum bid of \$35,000.

Councilor Cusick seconded.

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

5. Maine Service Center Coalition 2020 Resolution for Membership and Appointment of Voting Delegate Representative and Alternate

The City of Gardiner currently participates in the Maine Service Center Coalition. The City Manager serves as President of this organization.

The Maine Service Centers Coalition (MSCC) was established in September 2001 for the purpose of promoting public policy and legislation that supports and contributes to the economic and social viability of Maine's service center communities. The MSCC is an affiliate organization of the Maine Municipal Association (MMA). The MSCC establishes policy/legislative priorities and objectives as determined by its membership and works collaboratively with MMA's Executive Committee and Legislative Policy Committee (LPC) for this purpose.

The MSCC's primary purpose, generally speaking, is to:

Promote and advocate for legislation and policy that benefit the economic and social viability of member communities.

Work with the interests and priorities expressed by the Maine Municipal Association's Legislative Policy Committee.

Increase the knowledge and awareness of legislators, policy makers, interested organizations, rural communities, and Maine residents regarding MSCC issues and needs.

Mission Statement

"To provide a mechanism which will articulate the needs of service centers to our elected officials; to educate our citizenry as to the importance of healthy and thriving service centers; and to network and collaborate with municipal officials, the legislature, state agencies and non-profits in the pursuit of promoting better quality-of-life for all who visit, work, or live in Maine."

Vision Statement

"Strive to be an organization that shall operate with the best interest of those who live, work, and depend on service center communities for a myriad of needs and will advocate for:

Achieving a more equitable treatment of service center communities, and those that shall soon become service center communities, who often face significant social, educational, recreational, land use, public safety, and a variety of infrastructure pressures.

Helping all citizens and our legislature better understand the unique nature of our service centers and their importance to a healthy state economy.

Addressing escalating property tax levels and why we must move to, once and for all, comprehensively address the deficiencies of an antiquated system of taxation that places a disproportionate dependence on property taxes.

Embracing the following as the organization's primary objectives:

1. To provide advice and support to Maine's service centers throughout the state.
2. Recommend, develop and advocate policy positions to the legislature and to the Maine Municipal Association.
3. Create public forums for the exchange of information that concern service and or urban centers.
4. Advise the Maine Municipal Association about developments within this organization of service/urban center communities.
5. To promote the potential values associated with inter-municipal cooperation and collaboration."

Councilor Cusick moved to appoint City Manager Landes as the MSCC Representative and Councilor Amy Rees as the alternate.

Councilor White seconded.

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

6. Spirit of America 2020 Nominations

Each year the Mayor and City Council are being asked to select the recipient of the "Spirit of America" award for the City of Gardiner. Attached is the email reminder that the City Manager received in January from Bruce Flaherty, which also provides a background on the award. Presentation of this award should occur in April during National Volunteer Month.

Mayor Hart asked the Council to bring nominations to the next Council Meeting for a vote.

7. Approve Victualers License for Deja Brew

Deja Brew, a new downtown business has applied for a Victualers License.

The City Manager granted Deja Brew a temporary Victualers license to serve food through 2/5/2020.

Councilor Berry moved to approve a Victualers license for Deja Brew

Councilor Cusick seconded.

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

8. Consider the Appointment(s) of Multiple Applicants to Various Boards and Committees

Councilor White moved to advise and consent to the Mayor the appointment of Zachary Hanley to the Planning Board and to obtain more information about the roles of the Economic Development Committee roles.

Councilor Rines seconded.

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

9. Consider Setting a Public Hearing Date for Central Maine Crossing Proposed TIF District

The City of Gardiner would designate a Tax Increment Financing District on the urgent care facility and the back undeveloped area behind it that Central Maine Crossing is planning to develop.

- Urgent Care Lot: The capture rate would be 100% on the urgent care lot. For the urgent care lot,
 - 40% of the TIF revenue generated would be set aside for payment to the developer for 10 years as a way to reimburse them for costs associated with the infrastructure needs for the road and area to be developed behind the urgent care facility. The total projected amount to be paid to the developer is less than half of the developer's projected costs in constructing the road and building the infrastructure. The first payment(s) to the developer will be reduced by the costs of the City in designating the district and entering into the CEA – a maximum amount of \$15,000.

- 20% of the TIF revenue generated would be held in an escrow subaccount by the City. Such 20% would be paid to the developer if the increased assessed value in the overall TIF district reaches \$7 million before year 4 of the TIF district's term. If such target is achieved, then the payment obligation to the developer would be 60% instead of 40% for the remaining years of the 10-year CEA term. Otherwise, the City will retain those 20% revenues as TIF funds for its own economic development projects.
- The remaining 40% of the TIF revenue generated would be held in a City project cost account for use on TIF approved municipal projects. Following the end of the 10-year CEA, the City would capture all of the TIF revenues for such TIF approved municipal projects.
- Undeveloped Area: The capture rate on the undeveloped portion of the district would remain 0% unless and until the City decides to enter into future CEAs with future developers only after a public hearing and vote of the Council. Any future CEAs would not require DECD review/approval.
- Timeline: In order for the assessed value associated with the urgent care facility to be captured in a TIF district at all, the application for the district must be approved by Council and submitted to the Department of Economic and Community Development before March 1, 2020. As such, the Council could set the public hearing and vote on the proposal on February 19, 2020 and meet this deadline. A 10-day public hearing notice will be published in a newspaper of general circulation and the proposal materials will be on file with the City in advance.

Economic Development Director, Tracy Desjardins gave a summary of the TIF District proposal.

Councilor Cusick moved to set a public hearing for February 19, 2020 regarding the designation of the Central Maine Crossing TIF District, adoption of a development program for the TIF District, and authorization of credit enhancement agreement with Central Maine Crossing. Councilor Rees seconded.
Mayor Hart asked for any discussion.

After discussion between EDD Desjardins, City Council and City Manager Landes; Council was concerned with CEA and agreed to remove it from the motion.

Councilor Berry amended the motion to remove “and authorization of credit enhancement agreement with Central Maine Crossing.”
Councilor Rines seconded.

Mayor Hart asked for any further discussion. Seeing none. All those in favor. 7-1 (Councilor Rees opposed)

Councilor Cusick moved to set a public hearing for February 19, 2020 regarding the designation of the Central Maine Crossing TIF District, adoption of a development program for the TIF District.
Councilor Rees seconded.
Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous

10. Approve Minutes of January 22, 2020

Councilor Berry moved to approve the minutes of January 22, 2020 as presented.

Councilor White seconded.

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

- **CITY MANAGER REPORT**

- Department updates will be available to the public going forward.

- **CITY COUNCIL REPORT**

Councilor Ault

- All set

Councilor Cusick

- All set

Councilor White

- Thank you for the Council Work session that took place last Saturday
- Received correspondence regarding the condition of Pierce Street. A follow up notice stated it was on the list for repaving in the spring.

Councilor Berry

- 43 days to Spring

Councilor Rees

- Thanked the City Manager & Department Heads for the updates. They are very helpful.

Councilor Frey

- All set

Councilor Rines

- All set

Mayor Hart

- Thanked everyone for a productive Council Work Session last Saturday.
- Upcoming ribbon cutting of Good Seeds Yoga on Saturday at noon.
- Johnson Hall's Mike Miclon, MC'd at the Kennebec Valley Chamber Event. Two Gardiner businesses were recognized: The first was Steve Marson and the Central Maine Pyrotechnics and the Riverview Variety Store and second was Tess Zardus from Zardus School of Massage

- **EXECUTIVE SESSION**

- Pursuant to M.R.S.A. § 405 (6)(E): Economic Development for Libby Hill Business Park

Councilor Berry moved to enter into executive session pursuant to M.R.S.A § 405 (6)(E): Economic Development for Libby Hill Business Park.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:26pm.

Councilor White moved to exit out of executive session pursuant to M.R.S.A § 405 (6)(E):
Economic Development for Libby Hill Business Park.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:12pm.

Councilor Berry moved to direct City staff to enter into a purchase and sale agreement with the
discussed changes and allow the City Manager to sign.

Councilor Cusick seconded.

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

- Pursuant to M.R.S.A. § 405 (6)(E): Economic Development for Summer Street Property

Councilor White moved to enter into executive session pursuant to M.R.S.A § 405 (6)(E):
Economic Development for Summer Street Property.

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:14pm.

Councilor White moved to exit out of executive session pursuant to M.R.S.A § 405 (6)(E):
Economic Development for Summer Street Property.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:23pm.

No action taken

Economic Development Director Desjardins told City Council that the City has been approved to submit a full application in the 100K Facade grant.

Economic Development Director Desjardins updated the City Council on names for the Downtown Parking Committee.

Mayor Hart reminded everyone to submit names for the Spirit of America and Annual Report Dedication.

• **ADJOURN**

Councilor Rees moved to adjourn.

Councilor Rines seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:30pm.

(Minutes approved during the March 04, 2020 Council Meeting)