

Mayor Hart called the meeting to order at 6:01pm.

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; Public Works Director, Tony LaPlante; Economic Development Director, Tracey Desjardins; City Librarian; Anne Davis, Waste Water Director; Doug Clark, George Trask, Dan Marks, Raegan LaRochelle, Debby Willis, Kristin Collins, Roger Bintliff, Jessica Lowell, Andrea Lynn Knapp, Dennis Meehan, Dennis Meehan, Logan Johnston, Phyllis Gardiner

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 Liquor License Renewal for The Depot Pub

This Public Hearing was advertised in the Kennebec Journal on February 11, 2020.

Mayor Hart opened the public hearing at 6:04pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:04pm.

- b) Public Hearing on a Liquor License Renewal for Gardiner Sportsmen's Club

This Public Hearing was advertised in the Kennebec Journal on February 11, 2020.

Mayor Hart opened the public hearing at 6:04pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:04pm.

- c) Public Hearing on 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 6:04pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:05pm.

- d) Public Hearing on Proposed TIF District/Central Maine Crossing

Mayor Hart opened the public hearing at 6:05pm and asked for any comments from the public.

Economic Development Director, Tracey Desjardins gave a brief overview of the proposed TIF District. The proposal has to be submitted by March 1, in order to receive review and approval from the State before the April 1 tax assessment deadline. The project cost outline was available for review and Council have the opportunity to make changes to the document before it may sent to the State for approval. All development projects need preapproval by the Department of Economic and Community Development before any TIF funds may be distributed.

George Trask, 97 Libby Hill Road resident, stated that he is opposed to the proposal. He commented that he has talked to EDD Desjardins and many other people and he does not understand why the City is even considering another TIF District when we have a business park with one hundred acres and is a TIF but only 2/3 full right now. He disagrees with Mr. Mattson who had stated that a hotel would do better in the proposed TIF District than it would in the first lot of the business park. He also believes that MR. Mattson is a conflict of interest as he lives in a TIF District in Augusta and has previously used TIF funds for other projects such as the development #2 in Gardiner. When he could not make the payments, the City of Gardiner was on the hook for \$40,000 in taxes. He does not believe that TIF is even legal as it was a five-year TIF and he has since left which should have ended the TIF. Mr. Trask stated that his taxes have not gone down and the City tax base has not grown.

Mayor Hart stated that the previous discussion was to limit the proposal to just the boundaries of the TIF District and to not include the CEA.

George Trask stated that he wanted to put a stipulation of no CEA in the proposal. He commented that former Councilor Phil Hart had to fight for discount for elderly on taxes.

Logan Johnson, Olds Farm resident, offered his support on the TIF District. He asked the Council to support the proposal to invest in the future. This proposal is strictly to set the boundaries and give definition of the development. This is not the return for today or tomorrow but for the future.

Mayor Hart asked about a change to the proposed motion.

City Manager Landes replied that the wording of the motion be amended to include the legal language.

City Manager Landes stated that there was correspondence from George Trask and Jack Skehan on the proposal available to the public.

Roger Bintliff, Gardiner business owner, commented that he is encouraging the proposal and has been a part of TIF Districts in the past and agrees with Logan Johnston. TIF Districts are instrumental for the future.

Mayor Hart asked for any further comment. Hearing none. Mayor Hart closed the public hearing at 6:21pm.

e) Public Hearing on Proposed Amendments to the Land Use Code/Addressing the Treatment of Marijuana Establishments

Mayor Hart opened the public hearing at 6:21pm and asked for any comments from the public.

Kristin Collins, attorney for Wellness Connection of Maine, commented that she has no issues with the proposed ordinance as it stands. She thanked the Council for taking past concerns in to consideration.

Dennis Meehan Jr, Gardiner resident and business owner, stated that what this plant has done for the community has changed him. He wants to be able to continue to help people and is concerned that this ordinance will prevent that from happening.

Mayor Hart responded that this is not about licensing, it is about where activities can occur and the requirements. We are not trying to rescind a current license.

Dennis Meehan replied that he is already doing all of the items that the ordinance says are prohibited. He also wants to know why limitations are being put on this business but not others, such as bars.

Mayor Hart asked Mr. Meehan if he has reached out to EDD Desjardins or the Planning Board Willis to discuss how your business could continue within the proposed ordinance.

Dennis Meehan replied that he did not know that was an option.

Mayor Hart responded that it is always an option. She asked Mr. Meehan if he had gone to the Planning Board when the rules were discussed.

Dennis Meehan replied that he had gone to a couple of them and testified.

Planning Board Chair Debby Willis, stated that there are two changes to the land use table (7.6.3 and 7.6.4) which states where operations and facilities can be placed.

Andrea Lynn, 152 Spring Street resident, commented that the definition of manufacturing on the local level being different from the State regulations is a reason for concern. She is in support of small businesses like the Meehan's shop and the accessibility of it.

Dennis Meehan III, 38 Elm Street, stated that in High School, he did not believe in cannabis. He believes he was misled until his father learned about cannabis after an accident.

Mayor Hart asked for any further comment. Hearing none. Mayor Hart closed the public hearing at 6:41pm.

Debby Willis commented that the proposal does not do anything to change or harm the existing businesses. As a marijuana caregiver store, Mr. Meehan permitted by State regulations to continue to operate. Medical Use Marijuana is State regulated and Adult Use Marijuana is locally regulated.

Councilor Ault wanted to make it clear that the document is permissive.

- f) Public Hearing on Proposed Amendments to the Land Use Code/Addressing the Treatment of Commercial Solar Arrays

Mayor Hart opened the public hearing at 6:46pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:46pm.

4. NEW BUSINESS

Mayor Hart asked to move agenda item 11 up to agenda item 1. Council agreed unanimously.

1. Consider Contract Amendment #2 with Hoyle Tanner for the WWTF & MAPS Process & Electrical Upgrades

Dan Marks from Hoyle, Tanner & Associates, Inc. and Waste Water Director, Doug Clark, gave an update on where they are in the process regarding the upgrades at the WWTF and review Contract Amendments #2, which includes the final design and bidding phase services.

The Wastewater Advisory Board unanimously approved a recommendation to Council to approve the Contract Amendment #2 with Hoyle Tanner, in the amount of \$311,700 to be included in the project bond.

In the past, the city has required a bid process for contracted work. The exception to this bid process is being asked due to time constraints, the familiarity with the plant specifics by Hoyle Tanner, and the specialty of this whole upgrade.

A Public Hearing will be held for final project costs and authorization to secure interim financing/final financing cost in the March/April time-frame pending notification from Rural Development.

Councilor Berry asked why was the project not put out to bid. City Manager Landes replied that at a previous Council Meeting, the Council agreed not to place it out to bid due to the specialty work involved. The history between the City and Hoyle Tanner is long standing. To start over with another company would cost more money and time.

Councilor Berry moved to approve Contract Amendment #2 with Hoyle Tanner, in the amount of \$311,700 to be funded through the loan/grant award with the intent to waive the bid process for this contract due to work specialty as noted above.

Councilor Cusick seconded.

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

2. Consider Approval of a Liquor License Renewal for The Depot Pub

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

Councilor Frey seconded.

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

3. Consider Approval of a Liquor License Renewal for Gardiner Sportsmen's Club

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

Councilor White seconded.

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

4. First Read of Proposed Amendments to the Land Use Code/Addressing the Treatment of Marijuana Establishments

The following amendments were 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 a brief summary of the proposed amendments.

Councilor Rees moved to send the proposed amendments to the Land Use Code/Addressing the Treatment of Marijuana Establishments to a second read on March 4, 2020.

Councilor Ault seconded.

Councilor White asked Dennis Meehan if the explanation heard earlier make you feel better about the ordinance.

Dennis Meehan replied that it really does not.

Mayor Hart suggested that Mr. Meehan work with CEO McNeill to get better clarity.

Councilor Ault stated that this is a permissive document.

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

5. First Read of Proposed Amendments to the Land Use Code/Addressing the Treatment of Commercial Solar Arrays

The proposed amendments were 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 a brief summary of the proposed amendments.

Councilor Cusick moved to send the proposed amendments to the Land Use Code/Addressing the Treatment of Solar Arrays to a second read on March 4, 2020.

Councilor Berry seconded.

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

6. Second Read of 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.

7. Possibly Approve Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11

Councilor Ault moved to approve and adopt the Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11 as presented and waive the publication of the ordinance in the newspaper (as allowed by City Charter Article 11 Section 9).

Councilor Rees seconded.

Mayor Hart thanked the ORC for their work on this Ordinance and asked for any discussion. Seeing none. All those in favor. Unanimous

8. Possibly Approve Proposed TIF District/Central Maine Crossing

This proposed district consists of approximately 23.19 acres of property located on Brunswick Avenue/Route 201, near the intersection of Interstate 295. With the adoption of this proposed district, the city can accomplish the following goals:

- *Maintain the existing tax revenues
- *Enjoy enhanced future tax revenues generated by improvements within the district
- *Enable the investment of TIF revenues in high priority city projects
- *Create long-term stable employment opportunities for area residents
- *Improve the overall economy of the city, Kennebec County, and the State of Maine

Also, the city will shelter the increase in municipal valuation that the development will bring.

This Public Hearing was advertised on February 07, 2020.

Councilor Berry moved to be it ordered, to approve a Municipal Tax Increment Financing District to be known as the Central Maine Crossing Omnibus Municipal Development and Tax Increment Financing District and to authorize the City Council to execute required documents – such details listed in Exhibit F.

Councilor Cusick seconded.

Mayor Hart asked for any discussion.

Councilor Ault stated that he is in support of this TIF District.

City Manager Landes asked for clarity on the childcare listed as it was discussed by telephone between City Manager Landes and Mayor Hart earlier in the day.

EDD Desjardins responded that quality childcare is on the list, but it would need further explanation from the State level as to what statute it would qualify under.

Mayor Hart stated that in a previous workshop session, Council was informed that the funds could be transferred to the Downtown Area TIF.

EDD Desjardins responded that this proposal has it for citywide Economic Development Programs.

Councilor Berry stated that number three for promotion is limited to \$15,000 per year.

EDD Desjardins responded that there is some room for flexibility.

Councilor Berry asked if this proposal is set in stone after approval or is there the possibility for changes.

EDD Desjardins replied that through amendment, changes may be made.

City Manager Landes commented that an EDD in Southern Maine had to make changes to a TIF District and it cost a lot of time and money to make those amendments. So please look closely at all options in this proposal.

Mayor Hart commented that she wants quality childcare included in the proposal.

Councilor White asked that since that in the last meeting Council separated the TIF and the CEA, should it be noted in the proposal.

EDD Desjardins replied that they are separate documents anyway.

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

9. Consider Request from MSAD #11 for a Gift of Gravel

The City of Gardiner was approached by MSAD #11 to possibly donate up to three loads of gravel.

The City Manager reached out to Michael Stolz, MMA Attorney regarding this request. He informed the city that such a donation decision should be a matter of legislative determination action (City Council acting as the legislative body would need to decide if public resources could be provided at the taxpayers' expense).

He suggested that the school district be informed that this project affects all of the municipalities that have students in the district and all should have an opportunity to be involved (asked to donate gravel also).

Of course, the City Council can make a decision to not ask the other municipalities and make the small donation themselves.

Councilor Berry asked if Public Works would be delivering the gravel.

City Manager Landes responded it is yet to be determined.

Councilor Berry moved to donate up to three loads of gravel to MSAD #11 to help with the upcoming road project.

Councilor Cusick seconded.

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

10. Approve Sending Proposed Marijuana Establishments Licensing Ordinance to First and Second Read

As part of the adoption of the Land Use Proposed Amendments to the Land Use Code/Addressing the Treatment of Marijuana Establishments, the City needs to exercise oversight and enact a licensing requirements for these establishments.

This proposed ordinance would allow the City Council to review the operation of each facility once a year and to address any issues with the operation. Please see attached memo from the Ordinance Review Committee addressing this matter.

The City Council was asked to send this proposed ordinance to a first and second read on 3/4/2020, and 3/25/2020, respectfully. At the 3/25/2020 meeting the City Council will also be asked to adopt this ordinance as an emergency order to allow for coordination with the possible adoption of the Land Use Code changes (from the 3/4/2020 meeting).

This request to waive the 30-day adoption was asked of as an emergency order (allowable by City Charter). No order or resolve shall take effect until 10 days after its passage except that the City Council may, by the affirmative vote of at least five members, pass emergency orders or resolves to take effect at the time indicated therein out such emergency orders or resolves shall contain a section in which the emergency is set forth and defined.

Councilor Berry moved to send the Marijuana Establishment Licensing Ordinance to a first and second read on March 4, 2020 and March 25, 2020, respectfully.
Councilor White seconded.

Councilor Berry thinks there is a lot of posturing with the merging of the medical marijuana & recreational marijuana. Federal and State regulations are sometimes confusing.

Mayor Hart thanked the ORC for their hard work.

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

11. Discussion Surrounding Lights at Water and Church Street Intersection

On July 20, 2016 the Gardiner City Council conducted a Public Hearing for the consideration of a four-way stop at the Water Street/Church Street intersection.

Since that meeting, Councilor Rees has heard some concerns from her constituents regarding the intersection and the potential safety hazards.

Roberts Rules states that to rescind or amend something previously adopted there would need to be a motion to rescind the motion relating to the support the removal of traffic lights at the intersection of Church and Water Street and install in their place four-way stop signs, and that MeDOT will study ways to enhance the intersection for both vehicular and pedestrian traffic (motioned by Councilor Ault, seconded by Councilor Blanchard and was passed unanimously).

However, if previous notice is not given of an intent to make this rescinding motion so that members are not alerted ahead of time to the fact that the motion will be made, the adoption of such a motion requires either a) a two thirds vote or b) the vote of the majority of the entire membership of the voting body (whichever is smaller).

Chief Toman gave the history of the traffic lights as well as reportable accidents documented at the intersection from 11/24/2015 to current day. If the City wants to keep a traffic light, it would cost \$300,000 to replace the lights.

Public Works Director Tony LaPlante was also present to discuss how the bridge project impacted this decision to remove the lights.

Councilor Rees asked if the installation of new lights would be required.

PWD LaPlante replied that new lighting would be required if the City chooses to keep lights there. The poles are disintegrating.

Councilor Berry asked if the yearly maintenance cost would be around \$2,000 - \$4,000.

Chief Toman replied that is correct, however with the new lights, the cost would be different.

Councilor Berry asked if in the future, traffic count and/or accidents became higher, would DOT step in and fund replacement of the lights.

PWD LaPlante replied that the City could make a request.

Councilor Cusick asked if there has been an issue with accidents.

Chief Toman responded that recently there have been only three accidents, all in 2019. From 1/1/2011 – 5/24/2016 when the lights were shutoff was only four accidents in the intersection. Not all of the accidents were related to the stop sign or overhead light. None of them resulted in personal injury or involved pedestrians.

Councilor Cusick stated that in other areas of the State, there are stop signs with flashing lights on them. Would those possibly be an option to partner on.

PWD LaPlante responded that those had been discussed with DOT and they may be favored on Church Street and Maine Avenue, but not on Water Street.

Mayor Hart suggested contacting Al Godfrey about that plan.

Mayor Hart stated that her car was totaled in 2016 in that intersection.

Chief Toman stated that the accident report stated it happened on Church Street, but not directly in the intersection.

Mayor Hart stated that the report was incorrect and should have been corrected as it started in the intersection and ended up on Church Street. In any case, she believes it is a dangerous intersection for foot and vehicular traffic.

Councilor Cusick stated that unfortunately accidents happen in all cases, whether signs, lights, blinkers are in place. Impatient and distracted people and road rage happens all the time everywhere.

Councilor Frey commented that he drives through daily and does not believe it works well as a four way stop. He was also very surprised with the cost of replacement.

Councilor Rees commented that it is a dangerous intersection and had been almost hit more than once. She was also surprised with the cost of replacement.

Councilor Ault stated here here.

Councilor White asked if the city is able to get the flashing stop signs immediately.

PWD LaPlante replied that we can ask.

City Manager Landes recommended that she along with PWD LaPlante and Chief Toman talk to DOT and report with options.

12. 2020 Spirit of America Nominees

Each year the Mayor and City Council is asked to select the recipient of the "Spirit of America" award for the City of Gardiner. City Manager Landes 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.

Councilor Rees nominated Ingrid Stanchfield.

Councilor Rees moved to advise and consent to the Mayor the nomination of Ingrid Stanchfield as the 2020 Spirit of America Award Recipient.

Councilor White seconded.

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

• **CITY MANAGER REPORT**

- Received one of the ambulances

• **CITY COUNCIL REPORT**

Councilor Ault

- Spoke with the Director of Christ Church and on May 10th Council is urged to attend the Church Supper to serve.

Councilor Cusick

- All set

Councilor White

- Will not be attending the next Council Meeting

Councilor Berry

- Contractors are very pleased with our CEO
- KVCOG meeting, there will be a training for planning board and board of appeals, also a program with the DOT (sidewalks)

Councilor Rees

- All set

Councilor Frey

- All set

Councilor Rines

- All set
- Mayor Hart
- Ribbon cuttings: Blind Pig, Deja Brew, Yoga Studio

Councilor Berry moved to take a five-minute break.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:55pm.

- **EXECUTIVE SESSION**

- Pursuant to M.R.S.A. § 405 (6)(F): Poverty Abatement

Councilor Frey moved to enter into executive session pursuant to M.R.S.A § 405 (6)(F): Poverty Abatement.

Councilor Rines seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:04pm.

Councilor Rees moved to exit out of executive session pursuant to M.R.S.A § 405 (6)(F): Poverty Abatement.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:19pm.

Councilor Rines moved to permit the City Manager to direct staff to deny the poverty abatement as discussed in executive session.

Councilor Frey seconded.

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

- **ADJOURN**

Councilor Rees moved to adjourn.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:20pm.

This document was reviewed and approved during the March 04, 2020 City Council Meeting.