

Mayor Hart called the meeting to order at 6:02pm.

1. ROLL CALL

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

Absent: Tim Cusick, At large

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; City Planner, Mark Eyerman; Police Chief, James Toman; Finance Director, Denise Brown; Waste Water Director, Douglas Clark; Economic Planner, Tracey Steuber; CEO, Kris McNeill; Planning Assistant, Angela Sencabaugh; Police Officer, Shawn Dixon; Police Officer, Joseph Bourdelais; Front Counter Clerk, Alisha Ballard; Nathalie Thomsen, Sue Crawford, Nick Aschauer, Newell O'Brian, Jack Skehan, Debby Willis, Kevin Mattson, Raegan LaRoche, Haley Jaramillo, Steven McGee, Deborah McGee, Greg Farris, Jessica Lowell, George Trask,

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 of the Omnibus/Proposed Amendments to the Land Use Ordinance to Implement the Adopted Comprehensive Plan

For some time, the Ordinance Review Committee has been working on the development of the necessary amendments to bring the Land Use Ordinance into conformance with the Comprehensive Plan (2014). The city's solicitor has reviewed the proposed changes and those recommended changes have been incorporated into the amendments. The Planning Board has also reviewed the proposed amendments and held a public hearing on the draft. The Planning Board voted in favor to recommend to the City Council that the ordinance amendments be adopted. Mark Eyerman, Contracted Planner; Debby Willis, Chair of the Planning Board; and Kris McNeill, CEO; will be present to briefly introduce and explain the proposed changes. The proposed changes are attached.

City Planner, Mark Eyerman and Planning Board Chairwoman, Debby Willis gave an overview of the proposed changes.

Mayor Hart opened the public hearing at 6:24pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:24pm.

b. Public Hearing of the Proposed Amendments to the Land Use Code to Update Shoreland Zoning Provisions

The city's solicitor has reviewed the proposed changes and those recommended changes have been incorporated into the amendments. The Planning Board has also reviewed the proposed amendments and held a public hearing on the draft. The Planning Board voted in favor to recommend to the City Council that the ordinance amendments be adopted. Mark Eyerman, Contracted Planner; Debby Willis, Chair of the Planning Board; and Kris McNeill, CEO; will be present to briefly introduce and explain the proposed changes. The proposed changes are attached.

City Planner, Mark Eyerman and Planning Board Chairwoman, Debby Willis gave an overview of the proposed changes.

Mayor Hart opened the public hearing at 6:32pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:32pm.

c. Public Hearing of the Proposed Amendments to the Land Use Code Dealing with Historic and Archaeological Resources

The city's solicitor has reviewed the proposed changes and those recommended changes have been incorporated into the amendments. The Planning Board has also reviewed the proposed amendments and held a public hearing on the draft. The Planning Board voted in favor to recommend to the City Council that the ordinance amendments be adopted.

Mark Eyerman, Contracted Planner; Debby Willis, Chair of the Planning Board; and Kris McNeill, CEO; will be present to briefly introduce and explain the proposed changes. The proposed changes are attached.

City Planner, Mark Eyerman and Planning Board Chairwoman, Debby Willis gave an overview of the proposed changes.

Mayor Hart opened the public hearing at 6:35pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:35pm.

d. Public Hearing of the Proposed Amendments to the Sewer Discount Program Ordinance

Three individuals: Matt Marshall, Timothy Cusick, and Joe Gould reviewed the current ordinance and agreed to bring forth the attached recommended changes to the Sewer Discount Program. The proposed changes are underlined/struck through.

Wastewater Superintendent Doug Clark gave a brief overview.

Mayor Hart opened the public hearing at 6:40pm and asked for any comments from the public.

Sue Crawford is questioning the eligibility requirement as unlawful. Remove the description of disabled to be in compliance with the ADA. The requirements should be reevaluated. Paragraph #6: Needs to have the wording clarified.

Mayor Hart asked for any further comments or discussion. Hearing none. Mayor Hart closed the public hearing at 6:46pm.

e. Public Hearing for Liquor License Renewal/Johnson Hall, Inc.

This agenda item is the Public Hearing to possibly approve a liquor license renewal for Johnson Hall, Inc. The renewal application is attached. The Public Hearing was advertised on July 31, 2019.

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

- 1. Introduction of New Employees for the City of Gardiner: Angela Sencabaugh, Planning Assistant; Shawn Dixon, Police Officer; Joseph Bourdelais, Police Officer; and Alisha Ballard; Front Counter Clerk**

They were all present to meet the City Council.

- 2. Presentation from ME DOT/KVCOG regarding proposed parking study**

Haley Jaramillo, from the Maine Department of Transportation, and Nick Aschauer, from Kennebec Valley Council of Governments, will be at the meeting to speak of the city participating in a parking study at a very nominal cost. This subject matter was brought up when the discussion of new businesses and housing units were/about to be locating on Water Street. There has been concern on where patrons and residents will park their vehicles. Attached is the parking study that was last conducted in January of 1999. At that time there was a conclusion of 22 available spots in the Arcade parking lot, and shortage of 40 spots between Maine Avenue/Church Street/Library.

Haley Jaramillo, from the Maine Department of Transportation, and Nick Aschauer, from Kennebec Valley Council of Governments, gave a brief presentation regarding the possibility of a parking study.

Councilor Berry moved to enter into an agreement with KVCOG and ME DOT to conduct a parking study for the downtown area of Gardiner.

Councilor Rines seconded.

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

- 3. Presentation by Tracey Steuber, EDD; Kevin Mattson, Developer; and Raegan LaRochelle, Consultant; Regarding a Proposed TIF District at Central Maine Crossing**

Tracey Steuber, Kevin Mattson, and Raegan LaRochelle will be present at the City Council meeting to brief the Councilors on a proposed TIF District located at Central Maine Crossing on

Brunswick Avenue/Route 201. This proposed TIF district has two principals: Greg Farris and Steven McGee. The developer is Kevin Mattson.

This TIF District, once established, will also include a CEA. (See details in package.) It is expected that the City Council will review this proposal at a future meeting.

Tracey Steuber and Raegan LaRochelle gave a brief presentation. They are looking to enter into an Omnibus/TIF District agreement which includes a 10-year credit enhancement on property taxes.

Mayor Hart asked what the data is for the increased ambulance calls to the new Urgent Care Center.

Tracey Steuber replied that after discussion with Chief Nelson, the increase would be approximately ten percent.

Councilor Berry asked how common is a one hundred percent CEA in the first year.

Tracey Steuber replied that every community is different. The cost to build the project and the infrastructure is so high that a credit would be business friendly.

Councilor Berry asked why the request in reduction of taxes so soon instead of stretching the term out longer than ten years.

Greg Farris explained that as the project grows and the years go by, more money will be coming in and the road will be maintained privately. No City expenses for maintaining the road or grounds. The early cost is the highest and will be spent in the beginning of the project. The first ten years is the time frame most needed for the credit.

Councilor Ault asked if medical facilities are tax exempt.

Greg Farris replied that is not exempt.

City Manager Landes added that the personal property is tax exempt.

Kevin Mattson confirmed that the hospital is privately owned and is not tax exempt. Medical equipment is exempt, but items like heating systems are not.

Councilor Ault has concerns about the increased cost to the City regarding ambulance calls.

George Trask is concerned about the City sewer line running by the subject area. It was only designed for one Business Park not two. He doesn't think any discount should be given.

Jack Skehan expressed his concerns about the tax discount and doesn't agree with it.

Councilor Berry if you are taking tax money from a building and lot that's not part of the utilities in the road that you are proposing, is there any way it could be structured so the new person building the hotel have the CEA attached to that project.

Kevin Mattson replied that it takes a long time to put road infrastructure and part of the attraction for new projects is already having that in place. Not waiting a year for it to be built.

4. First Read of the Omnibus/Proposed Amendments to the Land Use Ordinance to Implement the Adopted Comprehensive Plan

For some time, the Ordinance Review Committee has been working on the development of the necessary amendments to bring the Land Use Ordinance into conformance with the Comprehensive Plan (2014). The city's solicitor has reviewed the proposed changes and those recommended changes have been incorporated into the amendments. The Planning Board has also reviewed the proposed amendments and held a public hearing on the draft. The Planning Board voted in favor to recommend to the City Council that the ordinance amendments be adopted. Mark Eyerman, Contracted Planner; Debby Willis, Chair of the Planning Board; and

Kris McNeill, CEO; will be present to briefly introduce and explain the proposed changes. The proposed changes are detailed under item 3.a.

Councilor Rees moved to send the Omnibus/Proposed Amendments to the Land Use Ordinance to Implement the Adopted Comprehensive Plan to a Public Hearing and Second Read on September 4, 2019.

Councilor Berry seconded.

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

5. First Read of the Proposed Amendments to the Land Use Code to Update Shoreland Zoning Provisions

The city's solicitor has reviewed the proposed changes and those recommended changes have been incorporated into the amendments. The Planning Board has also reviewed the proposed amendments and held a public hearing on the draft. The Planning Board voted in favor to recommend to the City Council that the ordinance amendments be adopted. Mark Eyerman, Contracted Planner; Debby Willis, Chair of the Planning Board; and Kris McNeill, CEO; will be present to briefly introduce and explain the proposed changes. The proposed changes are attached under item 3.b.

Councilor Dolley moved to send the proposed amendments to the Land Use Ordinance to update the Shoreland Zoning Ordinance to a Public Hearing and Second Read on September 4, 2019.

Councilor White seconded.

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

6. First Read of the Proposed Amendments to the Land Use Code Dealing with Historic and Archaeological Resources

The city's solicitor has reviewed the proposed changes and those recommended changes have been incorporated into the amendments. The Planning Board has also reviewed the proposed amendments and held a public hearing on the draft. The Planning Board voted in favor to recommend to the City Council that the ordinance amendments be adopted. Mark Eyerman, Contracted Planner; Debby Willis, Chair of the Planning Board; and Kris McNeill, CEO; will be present to briefly introduce and explain the proposed changes. The proposed changes are attached under item 3.c.

Councilor Ault moved to send the proposed amendments to the Land Use Ordinance dealing with Historic and Archaeological Resources to a Public Hearing and Second Read on September 4, 2019.

Councilor White seconded.

Mayor Hart asked for any discussion.

Councilor Ault asked how close is the City to being in complete conformance and compliance. Debby Willis replied about ninety-nine percent.

Mark Eyerman added that everything in these proposals is bringing them to ninety-nine percent. There are more proposals out there that have not been addressed yet.

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

7. First Read of the Proposed Amendments to Sewer Discount Program Ordinance

Three individuals: Matt Marshall, Timothy Cusick, and Joe Gould reviewed the current ordinance and agreed to bring forth the attached recommended changes to the Sewer Discount Program. The proposed changes are underlined/struck through. Wastewater Superintendent Doug Clark will be present to give a brief overview. The proposed ordinance changes are attached under item 3.d.

Councilor Rees moved to send the proposed amendments to the Sewer Discount Program Ordinance to a Public Hearing and Second Read on September 4, 2019.

Councilor White seconded.

Mayor Hart asked for any discussion.

After concerns among the Council, Mayor Hart stated the following changes:

Paragraph #1: 'Applicant' will replace 'new' and 'renewal'

Paragraph #7: remove

Paragraph #9: correct spelling typo

Paragraph #10: remove the changes

Mayor Hart asked for a vote. All those in favor 0. Opposed 7. Voted Down.

8. Consider a Scope of Services Contract Amendment with Hoyle Tanner/Upgrade at the Wastewater Treatment Facility

Dan Marks from Hoyle, Tanner & Associates, Inc. will be here along with Waste Water Director, Doug Clark, to explain to the City Council the plan for a Preliminary Engineering and Environmental Report (required by loan/grant packages as applied for) and the RBC equipment replacement. The Wastewater Advisory Board unanimously approved the concept of a proposed upgrade and having Hoyle Tanner on board to perform this conceptual design. The plan is to appropriate the funding from the contractual budget line and then once funding is approved, the line will be offset by the loan/grant award. Previously, the Wastewater Superintendent was approved to have the original contract fee of \$11,000 appropriated, but seeing that the required items from that contract have been completed, it is time to move onto the next phase, which is the preparation of the extra reporting and procurement of the RBC equipment. It is predicted that the upgrade will be a little over \$6M, with 40% grant funding being expected. 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. The goal is that the upgrade will be bid out in the competitive bid process late fall 2019 so that work can progress through the winter.

Councilor Berry moved that the additional \$68,800 be appropriated from the contractual line for Hoyle Tanner to prepare the preliminary environmental and engineering reports, manage the specification and procurement of the RBC equipment, and to waive the bid process for this

contract due to work specialty as noted above. This amount to be offset by the loan/grant award once funded.

Councilor Rees seconded.

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

9. Consider approval of a Liquor License Renewal for Johnson Hall, Inc.

The Public Hearing was advertised on July 31, 2019

Councilor Rines moved to approve the liquor license renewal for Johnson Hall, Inc.

Councilor White seconded.

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

10. Consideration of Maine Municipal Executive Committee Slate

Annually, the City Council, as members of MMA, is asked to vote on the election of officers serving on the Executive Committee. An appointed committee interviews candidates and brings forth a proposed slate of nominees. Attached are the biographies of the candidates, and the voting ballot.

Councilor White moved to vote for the slate of Maine Municipal Committee Members, as presented, and to allow Mayor Patricia Hart to sign the ballot.

Councilor Dolley seconded.

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

11. Consideration of Appointment(s) as a Representative to KVCOG General Assembly

The Kennebec Valley Council of Governments asks the City Council to appoint two representatives to the General Assembly, one of which must be a municipal officer (elected official). This term will be for one year: July 2019-June 2020.

Councilor Rees moved to appoint Councilor Terry Berry, elected official, and Tracey Steuber, Economic Development Director as representatives to the Kennebec Valley Council of Governments.

Councilor Ault seconded.

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

12. Acceptance of Criminal Forfeiture Funds from District Attorney *In Rem*

The Office of the District Attorney asks that the City Council be informed of forfeitable funds that may be available, *In Rem*, to the city. Currently the City Council is being asked to approve the acceptance of \$303.00 or such amount ordered by the court.

Councilor Ault moved to accept forfeitable funds in the amount of \$303.00, or such amount ordered by the court, in rem, on the grounds that the Gardiner Police Department did make a substantial contribution to the investigation of this or a related criminal case.

Councilor Dolley seconded.

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

- 13.** Consider approval of multiple Victualers licenses: Dunkin, Gardiner Sportsman's Club, Mandy's Cotton Candy, McDonald's of Gardiner, Niche, Inc., The Garden Restaurant & Lounge

The City Council is being asked to consider the approval of multiple Victualers licenses:

Dunkin Donuts
Gardiner Sportsman's Club
Mandy's Cotton Candy
McDonald's of Gardiner
Niche, Inc.
The Garden Restaurant & Lounge

Councilor Dolley moved to approve the list of Victualers licenses as presented.

Councilor White seconded.

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

- 14.** Consider Approval of a Major Special Event/Barks in the Park

Attached, the City Council will find a Special Event Permit from Jessica Clark who would like to host "Barks In The Park" at the Gardiner Waterfront on September 7th from 10am to 2pm.

Councilor Rees moved to approve the Major Special Event Permit for "Barks In The Park" which is scheduled for September 7, 2019 from 10am to 2pm at the Gardiner Waterfront Park.

Councilor Ault seconded.

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

- 15.** Consider Approval of a Catered Function (liquor served) – Lisa's White Flour Catering for a Business After Hours Event at Boys & Girls Club

Previously, the City Council had granted permission for the City Manager to approve catered functions that serve liquor and are requesting a permit. However, that approval was only given to the City Manager if the caterer was a local Gardiner business, where it would be possible to see if they were in good standing with their business and liquor license. The Boys and Girls Club is having a Business After Hours event, catered by Lisa's White Flour Catering, where liquor will be served. Per prior requests by the City Council, the approval must come with a formal motion.

Councilor White moved to approve the August 28, 2019, catered function application for Lisa's White Flour Catering, referencing an event being held at the Boys and Girls Club.

Councilor Berry seconded.

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

- 16.** Consider Approval of Property Disposal List

The city has recently been conducting safety inspections in each department. As part of the that process, several pieces of equipment have been identified as obsolete and no longer part of the equipment that is being used by departments. The City Manager is asking the City Council to approve the disposal of this equipment as a price per item that seems fair and reasonable based on specific shape, original cost, etc. The items could possibly be sold as a set or pieced out.

Councilor Ault moved to approve the disposal of the obsolete equipment as noted on the attached list and pictures. The City Manager is granted final approval of the sales price and all revenues will be appropriately placed in the general revenue fund.' (Unless the City Council has a specific place they would like to allocate the revenue to.)

Councilor Rees seconded.

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

17. Accept minutes of July 10, 2019

Councilor Rees moved to approve the minutes of July 10, 2019 as presented.

Councilor White seconded.

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

• **CITY MANAGER REPORT**

- Ambulance truck 1 has a blown head gasket. The replacement cost is approximately \$5,000. Chief Nelson and I are working on a plan to bring to Council on September 4, 2019 to replace that ambulance, unfortunately one year ahead of schedule. The ambulance advisory board did approve a replacement and from the same company that we purchased the one that was allocated in this budget year and they will honor the price and give us a loaner until the new ambulance arrives probably in January. They are also giving us \$5,000 in trade allowance.
- Mayor Hart has a list of Groups & committees in which each of you are assigned and we hope that you will attend those meetings.
- If you plan to attend MMA convention, please let myself or Sherry know immediately.

• **CITY COUNCIL REPORT**

Councilor Ault

- Asked about the Quimby field / Quimby Trust update

City Manager Landes responded that the Committee is active again and have not met in about 6-8 weeks. Due to the new turf field project at the school, and other projects, it has been put aside temporarily. The attorney did review the Trust and it will be difficult to dissolve. Based on the location of the field, it is pretty difficult to expand the area.

Councilor White

- Wants to keep the Dog Ordinance Committee up to date and keep working on it.
- Asked for a paving update on Winter Street.
- Hillcrest Street residents want slowdown/children playing signs.

- Democratic Party fundraiser for fire relief fund on September 14, 2019 242 Old Brunswick Avenue there will be a yard sale from 8-2.

City Manager Landes responded that the weather has put the paving behind, but are looking to start up again next Monday and the deadline is September 30, 2019.

Councilor Berry

- all set

Councilor Rees

- Reminded taxpayers that Gardiner has a tax club program and please take advantage of it.

Councilor Dolley

- Announced that his bed & breakfast is up 20% this year, so Gardiner is becoming more popular and seems we have more people coming from out of state.

Councilor Rines

- Thanked public works dept regarding a curb issue.
- Would like to see more movement on the Dog Ordinance Committee. Attendance seems to be an issue. I have a list of people who may be interested and I will reach out to them.
- Thanked Steve Marston and Central Maine Pyrotechnics for the wonderful fireworks display in South Gardiner.
- Announced that he will not be at the Sept 18 meeting.

Mayor Hart

- Johnson Hall & the City were awarded a Northern Borders Grant in the amount of \$340,000 for the Johnson Hall Capital project and to increase the accessibility from Mechanic Street including parking and sidewalks.
- The workforce housing project broke ground.
- The pedestrian bridge has been laid down, but still not active to walk on yet.
- 2 awards: Steve Marston and Central Maine Pyrotechnics is business of the year by KVCOC and Robert Abbey is Maine State Downtown volunteer of the year by the Maine Development Foundation.
- Melissa Lindly has been offered and accepted the position of executive Director for Gardiner Main Street. Melinda Hahn has moved to Northern Maine and we wish her well.
- Artwalk on Friday

• EXECUTIVE SESSION

1. Pursuant to M.R.S.A. § 405 (6)(A) regarding the Annual Review Process of the City Manager

Councilor Ault moved to enter into executive session pursuant to M.R.S.A. § 405 (6)(A) regarding the Annual Review Process of the City Manager.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 9:17pm.

Councilor Ault moved to exit out of executive session pursuant to M.R.S.A. § 405 (6)(A) regarding the Annual Review Process of the City Manager.

Councilor Rines seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 10:10pm. No action taken.

- **ADJOURN**

Councilor White moved to adjourn.

Councilor Rines seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 10:12pm.

(Approved during the September 18, 2019 Council Meeting)