

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; Tim Cusick, At large

Also in attendance: City Clerk, Kelly Gooldrup; City Planner, Mark Eyerman; Finance Director, Denise Brown; Economic Planner, Tracey Steuber; Public Works Director, Tony LaPlante; Fire Chief, Al Nelson; City Planner, Mark Eyerman; Jack Fles, Joseph Gould, Anne Cough, Clare Marron, Chris Dilts, Edward Greiner, Melissa Lindley, Dorothy Washburne,

2. PUBLIC COMMENT (anything not on the Agenda)

Mayor Hart asked for any comment from the public.

Anne Cough and Edward Greiner - Asked for permission from the Council to fundraise for a monument to be placed in Plaisted Cemetery. They have already received a donation of \$100. Mayor Hart commented that it would go on a future agenda for a discussion and vote.

Mayor Hart asked for any further 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

This will be a Second Read and Consideration of Approval 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.

City Planner, Mark Eyerman gave an overview of the proposed changes.

Mayor Hart opened the public hearing at 6:13pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:14pm.

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

This will be a Second Read and Consideration of Approval of the proposed amendments to the Land Use Ordinance to update the 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.

City Planner, Mark Eyerman gave an overview of the proposed changes.

Mayor Hart opened the public hearing at 6:16pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:16pm.

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

This will be a Second Read and Consideration of Approval of the proposed amendments to the Land Use Ordinance 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.

City Planner, Mark Eyerman gave an overview of the proposed changes.

Mayor Hart opened the public hearing at 6:17pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:17pm.

4. NEW BUSINESS

1. Second Read and Consider Approval of the Omnibus/Proposed Amendments to the Land Use Ordinance to Implement the Adopted Comprehensive Plan

Councilor Rees moved to approve the Omnibus/Proposed Amendments to the Land Use Ordinance to Implement the Adopted Comprehensive Plan and to waive the publication of the changes in the newspaper (as allowed by the City Charter Article 11 Section 9).

Councilor White seconded.

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

2. Second Read and Consider Approval of the Proposed Amendments to the Land Use Code to Update Shoreland Zoning Provisions

Councilor Ault moved to approve the Amendments to the Land Use Code to Update Shoreland Zoning Provisions and to waive the publication of the changes in the newspaper (as allowed by the City Charter Article 11 Section 9).

Councilor Berry seconded.

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

3. Second Read and Consider Approval of the Proposed Amendments to the Land Use Code Dealing with Historic and Archaeological Resources

Councilor Dolley moved to approve the Amendments to the Land Use Code Dealing with Historic and Archaeological Resources and to waive the publication of the changes in the newspaper (as allowed by the City Charter Article 11 Section 9)

Councilor Cusick seconded.

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

4. Consider Approval of New Ambulance Purchase

Fire Chief Nelson will be present to explain to the City Council a situation that is occurring with Rescue Truck 1. The Ambulance Advisory Group gave a unanimous approval to replacing Truck 1 with the below plan. A trade in allowance if set to be \$5,000; approximately the same cost as repair to an ambulance that is set to be replaced. A loaner ambulance is not in use. 'We have already ordered a replacement for Rescue 2 and as of August 12, 2019 we have a blown head gasket on Rescue 1. The plan is to use ambulance fund balance to pay the following debt: R3 FY 21 and FY22 payments, Chevy Tahoe FY21 and FY22 payments, Power lift/Life Pax15 FY21, FY22, FY23, FY24, FY25, and FY26 payments. Totaling \$110,458.26. Leaving us with debt on the two new ambulances. We would put \$50,000 down on the rescue 1 replacement. Leaving us approx. \$20,000 in fund balance. The ambulance company that is building Rescue 2 has agreed to honor the bid price that was awarded in May for a second ambulance to replace Rescue 1. Even though they had a price increase effective August 1. Additionally, the dealer will provide us with a loaner ambulance at no cost until the new ambulance arrives in January.

Fire Chief Al Nelson gave an overview of the purchase proposal.

The City Council and Chief Nelson had brief discussion around the room.

Councilor Berry moved to approve the purchase of a new ambulance to replace Truck 1 as unanimously approved by the Ambulance Advisory Board, and as detailed in the financial spreadsheet.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous (Councilor Dolley stepped out of the room)

5. Consider Approval of an Outside Consumption and Special Entertainment Permit/Victualers Bateau Brewing LLC

On August 16, 2019, it came to the city's attention, via the Maine Department of Liquor Enforcement, that Bateau Brewing LLC, located at 149 Water Street, did not possess an outside consumption or special entertainment permit from the city. The investors in the brewery were looking to hold a soft opening that weekend and needed the approval of such a permit. The City Manager spoke to liquor enforcement and they were agreeable to allow a 'temporary permit' to be issued by the manager's office for a short time frame to allow the City Council to review the application. That same day, Bateau Brewing LLC, applied for the two Victualers licenses.

Economic Development Director Tracey Steuber, gave a brief overview of compliance by the Brewery.

Councilor Rees moved to approve the Victualers licenses for Bateau Brewing, LLC: to include outside consumption and special entertainment.

Councilor Ault seconded.

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

6. Consider Approval of Major Event: Gardiner Main Street/Swine & Stein

Attached is the Special Event Permit Application from Gardiner Main Street for the 10th Annual Swine and Stein Oktoberfest to be held in downtown Gardiner on Saturday, October 12, 2019. This year's event will be laid out a bit differently. Approximately 20 local breweries, distilleries, and wineries will be vendors. All will be licensed by the State of Maine.

Clare Marron and Melissa Lindley gave an overview of the event with music, food vendors, games and over 20 vendors.

Councilor Dolley moved to approve the major event permit for Gardiner Main Street/Swine and Stein and to waive the Public Works/Buildings and Grounds cost and half of the total cost for the Police Department.

Councilor Ault seconded.

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

7. Consider Request from Parks and Recreation Committee for a living decorative tree to be donated and planted at Johnson Hall Park

Several interested downtown business owners have contacted various city staff members regarding the possibility of using the location of the yearly holiday tree (vicinity thereof) as a permanent location for a living decorative tree to be planted. One of the downtown business owners has secured a local tree farmer that is willing to donate the tree for planting. Although Johnson Hall and the park will be experiencing some upgrades in the next two years, it is not expected that the planting of this tree will affect any of those changes (please see attached timeline that the Northern Borders Grant is predicting for changes to that area). Attached are minutes from the Parks and Recreation Committee regarding this matter. Should the living decorative tree be planted, the care and maintenance of such will revert to the city.

Public Works Director Tony LaPlante and Parks and Recreation Committee Chair Jack Fles gave a detailed summary of the history surrounding the proposal of the live decorating tree.

Councilor Berry

Discussion continued around the room between Jack Fles, Tony LaPlante, Joseph Gould, Clare Marron, Dorothy Washburne, Chris Dilts and the Councilors.

Councilor Berry suggested creating a group with tree knowledge/experience set a plan and then bring it back to Council.

Marc Rines volunteered to be on the ad hoc committee to discuss a further plan for the tree and for the park.

Councilor Dolley moved to create a committee to look at a tree placement and tree health within the City of Gardiner, and determine the best possible option for the proposed donated tree. Councilor Rines seconded.

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

Volunteers to be members of the ad hoc ‘Tree Committee’: Marc Rines, Jack Fles, Dorothy Washburne & Chris Dilts

8. Consider Official Ballot for KVCOG Election of Officers and Directors

These officers and directors are elected by the KVCOG General Assembly for a term of one year.

Councilor Rees moved to approve the KVCOG slate of officers and directors as presented on the updated official ballot.

Councilor Ault seconded.

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

9. Consider the date of October 9, 2019 at 5pm for a Work Session on Central Maine Crossing Proposed TIF

At the last Council Meeting the City Council met with Central Maine Crossing representatives and the city's EDD, Tracey Steuber. During that meeting there was a brief presentation on a proposed TIF and CEA. After the meeting, it came to the attention of city staff that there are numerous questions regarding the process and the possibility of including restrictions on this proposal. Economic Development Director, Tracey Steuber, would like to meet with the City Council one hour before the regular meeting to review the TIF/CEA process. This is a proposed work/education session only and no decisions will be made.

Councilor Berry moved to hold a TIF/CEA work session on October 9, 2019 at 5:00pm.

Councilor Cusick seconded.

Mayor Hart asked for any discussion.

After discussion from the Council, it was determined that the date and time need be changed.

Councilor Rees moved to amend to motion to change the date to October 16, 2019 at 6:00pm in the Council Chambers.

Councilor Ault seconded.

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

10. Consider Mayor's Appointment of Possible Housing Committee Member with Advice and Consent of the City Council

The Planning and Development Department of the city has recently reorganized the Housing Committee and they have had one meeting. At that meeting, an individual was recognized as willing to volunteer and be appointed as a member. The City Charter states the following: The following officers and boards, except as herein otherwise provided, shall be appointed by the Mayor with the advice and consent of the City Council in regular session, provided however, that in the event that a vacancy occurs among the following officers and boards and no appointment by the Mayor is approved by the City Council within 45 days of the creation of such vacancy, then any member of the City Council may thereupon appoint a person to fill said vacancy, with the advice and consent of the City Council in regular session. 1. City Manager 2. City Clerk 3. Trustees of the Gardiner Public Library 4. Trustees of the Gardiner Water District 5. Superintendent of Cemeteries 6. Superintendent of Parks and Recreation 7. Director of Civil Emergency Preparedness 9. All officers and boards whose appointments or elections are not otherwise specifically provided for in this charter.

Councilor Cusick moved to advise and consent to the Mayor the appointment of Jonathan O'Donnell, to the Housing Committee.

Councilor White seconded.

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

Councilor Berry also agreed to be on the Housing Committee.

- **CITY MANAGER REPORT**

None

- **CITY COUNCIL REPORT**

Councilor Ault

➤ All set

Councilor Cusick

➤ Has concerns and received complaints about the art sculptures in the Mini Park

Mayor Hart responded that Gardiner Main Street has been stewarding that spot for many years.

Tony LaPlante said the art sculptures and planters are going to be coming down as they are temporary. The benches are being reconstructing due to safety issues and will be placed back in the park soon.

Councilor White

- Reminder of the fire relief fundraiser on Saturday, September 14, 2019 at 242 Brunswick Avenue.

Councilor Berry

- All set

Councilor Rees

- All set

Councilor Dolley

- Reminder of the Annual open house at the Stone Turret on October 2, 2019 from 5pm-8pm
Free wine, beer and food

Councilor Rines

- A South Gardiner resident wants to restart the Technology Committee. Marc also volunteered to be on the committee as well.

Mayor Hart

- Ribbon cutting – Barks in the Park on Saturday, September 7, 2019
- Ribbon cutting – Bateau Brewing on October 9, 2019 at 1pm
- Ribbon cutting – The Maine General building on October 2, 2019 at 4pm
- The one lane construction on Maine Avenue –it is hard to see the flaggers
- DEP project – asked Tony LaPlante for an update on the hole that keeps getting bigger
Tony LaPlante responded that they are still looking for a tank and have removed 3,500 ton of dirty dirt.

• 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 Berry seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:18pm.

Councilor Rees 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 Dolley seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 9:00pm.

Mayor Hart stated Council completed their discussion and will schedule a future executive session with City Manager Landes.

• ADJOURN

Councilor Cusick moved to adjourn.

Councilor Berry seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 9:02pm.

(Approved during the September 18, 2019 Council Meeting)