



**COUNCIL MEETING  
Meeting Minutes  
GARDINER CITY COUNCIL  
GARDINER CITY COUNCIL CHAMBERS  
WEDNESDAY, May 10, 2023  
6:00 PM PUBLIC MEETING**

The meeting was called to order by Mayor Hart at 6pm.

**1. ROLL CALL / PLEDGE OF ALLEGIANCE-**

City Council Present: Mayor Hart, Councilor Greenleaf, Councilor Cusick, Councilor Berry, Councilor Brown, Councilor West, Councilor Grant and Councilor Frey.  
Also present: Andrew Carlton- City Manager, Denise Brown- Finance Manager, Melissa Lindley- Economic Development and Public Information Officer, Todd Pilsbury- Chief of Police, Doug Clark- Director of Wastewater, Rick Sieberg- Fire Chief, John Cameron- Director of Public Works, Dawn Thistle- Library Director, Kris McNeill- Code Enforcement Officer, Kathy Cutler- City Clerk, Jessica Lowell- Kennebec Journal, Tamara Whitmore- Gardiner Main St., Debby Willis, Robert Abbey, Dorothy Washburn, and Angelia Christopher.

**2. PUBLIC COMMENT – no comment right now.**

**3. PETITIONS / PUBLIC HEARINGS)**

a) Public Hearing regarding changes to City Code 17.5.3.1 regarding barking dogs.

**Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.**

b) Public Hearing regarding changes to City Code 5.2.2 regarding non-conforming cannabis establishments.

**Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.**

c) Public Hearing Regarding changes to the Land Use Ordinance regarding Demolition Delay 4.4.2.

**Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.**

d) Public Hearing regarding changes to the Land Use Ordinance 10.24.6.5.7 Signs in Traditional Downtown

**Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.**

e) Public Hearing regarding changes to the Land Use Ordinance 10.26 regarding Electric Fences

**Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.**

#### **4. NEW BUSINESS**

a. Palmer Fountain Design- Robert Abbey is here to discuss this project. Landscape Architect Tom Farmer has done a great job designing this restoration project. There is an RFP out, and the City is waiting for those bids. Robert Abbey reports that this is an important restoration of a historic remnant from long ago. It will be nice to see it done. Mayor Hart thanks Mr. Abbey for all his hard work on this project.

~~b. Presentation from Doug Clark regarding Phase II of the Wastewater Plant Upgrades- This will be reviewed at another time.~~

c. First Read of Changes to City Code 17.5.3.1 regarding Barking Dogs- ORC and PB Chair Debby Willis and CEO Kris McNeill are here to answer any questions. This change will be made to the City Code.

**Councilor Berry moves to approve the changes in the city code- 17.5.3.1- and moves to second read on 5/17/23. Councilor Cusick seconded the motion. No further discussion.**

d. First Read of Changes to the City Code 5.2.2 regarding Cannabis Establishments- This was brought up for instances when a Cannabis business closes, and another business wants to come into that spot. Councilor Berry would like the wording reviewed further. There could be exceptions, which a business owner had to leave site that should be included in the verbiage for this provision. All agree that this should go back to ORC for further work.

**Councilor Berry moves that this go back to ORC to review and address exceptional instances. Councilor Frye seconded the motion. No further discussion. All in favor.**

e. First Read of Changes to the Land Use Ordinance (4.4) regarding Demolition Delay- This will be on the list for permits required. The purpose of a demo delay is to give any potentially historically significant structure more time to be reviewed to see if it can be saved or if there is any interest.

**Councilor Cusick moves to approve changes to the Land Use Ordinance 4.4 and move to second read on May 17, 2023. Councilor Greenleaf seconded the motion. No further discussion. All in favor.**

f. First read of Changes to Land Use Ordinance (10.24.6.5.7) regarding Signs in the Traditional Downtown. This is just a slight amendment for signs in the downtown area. Because of the rules for signs in the Historic District, this change applies to just 2 buildings.

**Councilor Greenleaf moved to approve the first read for changes to the LUO- 10.24.6.5.7 and send for a second read. Seconded by Councilor Brown. No further discussion. All members in favor.**



**g.** First Read of Changes to the Land Use Ordinance 10.26 regarding Electric Fences- this took a lot of work to end with a sentence. The outcome is it needs to be 10' from the property line. Went from ORC and PB changed it. ORC wanted it not allowed in TD, HDR, and PR. They went with what was the overall want, and they came up with this. Pat wants to know what they were thinking, TD cannot happen, HDR has some larger lots, and used for agriculture. Adding definition, include, does not include dog fences. Pat suggested a change to go back and set a lot size on HDR. Next time. Kris will look at how many lots are over 2 acres. Revisit at investigating an amendment. There will have to be another hearing after the 17<sup>th</sup>.

**Greenleaf moves to send it back to ORC for further investigation. Councilor Brown seconded the motion. No further discussion. All in favor.**

**h.** Approval of Council Minutes for 4/19/23-

**Councilor Cusick moves to approve minutes from April 19, 2023. Seconded by Councilor Brown, no further discussion. All in favor.**

**i.** Approval of a Victualers License for Bao & Beyond/Mala's Food Services LLC-

**Councilor Brown moved to approve the Victualers License for Bao & Beyond/Mala's Food Service LLC. Seconded by Councilor Cusick. No further discussion. All in favor.**

## **5. OLD BUSINESS**

a) FY24 Proposed Budget Continued with Presentations from Individual Department Heads –Andy Carlton speaks to the budget being up minimally, with a significant amount of the increase being contributed to employee wages and benefits. All department heads gave an overview of their budgets for FY24. The budget discussion ended after department heads gave their presentations. The City Council will meet next week, 5/17, and will review the revenue side of the budget.

## **6. PUBLIC COMMENT**

b) A time for Public Comment regarding the FY24 proposed Budget-  
**Zachary Wanberg- Church St. Mr. Wanberg reports that he needs more time to develop questions, and will be at the next Council meeting.**

**7. CITY MANAGER REPORT-** City Manager Carlton reports that last week was eventful for Gardiner. He thanks Public Works, Buildings and Grounds, Wastewater, Public Safety and City Hall staff for all the work on this eventful time. Downtown businesses were hit hard when flood waters invaded the arcade parking lot, and the buildings there. Six- 30 yd. dumpsters were required for cleanup. The City overall came through the flood well. Harrison Ave will need extensive work to bring it back to full use. An application for assistance with Kennebec Valley FEMA, there are thresholds that need to be met at the county and state levels first. There is no definite time frame for repair yet, but it is being worked on. The flood left a mess at the waterfront, but damage was kept to a minimum. The docks were vertical at one point, but seem to have escaped any damage. The flood set spring cleanup back a week, so that crews

could work on flooding issues, but PW is back on task with clean up and doing well. During the flooding DOT closed the Main Ave bridge without any notice to the City. This caused a potential unsafe situation, and caused traffic to back up significantly.

The RFP for the demolition of 235 Water St. has been sent out. There will be a mandatory pre-bid inspection meeting on May 16<sup>th</sup>. The engineer that has been working on this project, Steven Govoni will be at this meeting to talk with contractors about the delicate nature of this project.

## **8. CITY COUNCIL REPORT-**

Councilor West thanks the city manager for his updates on the storm and remediation.

Councilor Cusick- Great job as always, excellent team effort, He thanks Dept. heads for presentations on the upcoming budget.

Councilor Berry- agrees.

Councilor Frye- agrees.

Councilor Greenleaf thanks city staff for their work during the flood, Denise Brown and dept. heads for all their work on the budget. Thanks to the Mayor, who was out of town during the flooding event, and still kept up with what was going on. He did receive a complaint from a resident. Walnut St is a mess with spots of broken or no pavement and needs attention ASAP. The crosswalk light on Bridge St stays on way too long, and needs to be looked at. He reports that he has taken a few calls about the level of Cobbossee Stream. The dam is wide open, but the water remains high. There is a bunch of material on the dam that is probably clogging up the water's flow. The watershed itself has taken in massive amounts of water, it will take time to bring the levels to a manageable level. Lastly, there is a spot on the Marston Rd that there has been trouble with run off for years. This can be a hazard in the winter, as it freezes.

Councilor Greenleaf asks if this can be looked at for a remedy soon.

Councilor Brown agrees with other Councilors about work on the flood.

Councilor Grant echoes the sentiments of the others. Looking at patterns, these storms will continue. She feels that there should be some planning in place for disaster situations.

Mayor thanked all city staff and City Manager Carlton for stepping up and helping out. She appreciates the work on the upcoming budget. There are events to look forward to coming up. The art walk is May 19<sup>th</sup>, and there will be a Memorial Day parade. There will be a plant sale on May 20<sup>th</sup>, as well as a live auction. Proceeds will go to the Gardiner Library Association. The next Council meeting is the 17th. DOT will be coming to talk about the 2024 bridge project.

## **9. EXECUTIVE SESSION-**

9a. 1 MRSA 405(6) (A)-Evaluation of the City Manager.

**Councilor Berry moves to go into executive session at 8:32 pm. Councilor Cusick seconded the motion. No further discussion. All in favor.**

## **10. ADJOURN**



2023 MEETING DATES

5/31/23

6/7/23

6/14/23

7/5/23

7/19/23

8/2/23

8/16/23

9/6/23

9/20/23

10/4/23

10/18/23

11/1/23

11/15/23

12/6/23

12/20/23

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