

GARDINER CITY COUNCIL MEETING
Wednesday, May 16, 2018
Gardiner City Hall

Mayor Thom Harnett called the regular Council Meeting to order at 7:16 p.m.

Roll Call:

Mayor Thomas Harnett; Councilors Terry Berry, Maryann White, Jon Ault, Patricia Hart and Marc Rines. Councilors Tim Cusick & Shawn Dolley were absent. Also present were Interim City Manager Anne Davis and City Clerk Lisa Gilliam.

PETITIONS, PUBLIC HEARINGS (Public comment for anything not on agenda):

Mayor Thom Harnett opened the meeting up for public comment; Jack Fles spoke and thanked the City for the newly paved section of Water Street and River Road. Mr. Fles also spoke of his concern regarding the 4-way traffic stop on Water Street and the danger it poses. After Mr. Fles spoke, Mayor Harnett closed the public comment portion of the meeting.

Consent Agenda:

Executive Session - Discussion with Developers Collaborative regarding Option at 1, 24, and 59 Summer Street:

At 6:00 pm Councilor Berry made a motion to begin executive session; motion seconded by Councilor White. Motion carried by unanimous vote 6-0.

Mayor Harnett said that no motions were made during the executive session and that the City Council provided direction on that matter.

Per Maine State Statute 1 M.R.S. 405 (6)(A), Gardiner City Council will hold an Executive Session to discuss the City Manager search:

At 6:32 pm Councilor White made a motion to begin executive session; motion seconded by Councilor Rines. Motion carried by unanimous vote 6-0.

Mayor Harnett said that no motions were made during the executive session and that the City Council provided direction on that matter as well.

E911 Street Naming and Numbering Presentation and Creation of an Ad Hoc E911 Committee:

The City of Gardiner adopted a 911-Enhanced Code effective as of June 15, 1995. Since that time, there have been several different Addressing Officers and the project has never been completed. Firefighter Eric Davis has discovered several deficiencies with the program.

Code Enforcement Officer Barb Skelton was present along with Firefighter Eric Davis and Fire Chief Al Nelson. They spoke on their concerns regarding houses being properly marked and identified for 911 purposes. Discussion followed the presentation by Mr. Davis. The Council discussed establishing a committee to review the ordinance, street names, house numbers and enforcement.

The committee would consist of members from Fire, Police, CEO, History, Community & Councilor. Interim Manager Davis said this would come back before the Council and for a committee to begin the process.

No action taken.

Minutes approved during 08/15/2018 meeting

Naming Public Streets:

A request was received from Robert Abbey, President of Gardiner Main Street to rename the access to the Waterfront Park. That public way has never officially named and it has been suggested that it be called Wright Way in honor of Patrick Wright, the soon-to-be former Director of Gardiner Main Street.

CEO Barb Skelton presented this request on behalf of Robert Abbey. A brief discussion followed.

Motion by Councilor Ault to approve the road name request of Wright Way; motion seconded by Councilor Hart. Motion carried 6-0.

Consideration of Dangerous Building:

The property in question is 235 Water Street, Map 37 Lot 127. Since the July 16, 2015 fire and the demolition of one section of building, no additional progress has been made.

The remaining building has not been cleaned out and the roof is in disrepair. After several unsuccessful attempts at phone contact with the owner, a letter was sent on February 20, 2018. After discussions with the owner and interested parties, the CEO agreed to wait until May 9th to hear if any type of sale was imminent. The deadline has passed without any further contact from the owner.

After review with the Interim City Manager, the CEO recommends that the City Council make an initial "Dangerous Building" determination so the enforcement process can proceed. Upon the initial determination, notice to the owner of the pending public hearing will commence in accordance with the City Code and State Law. A brief discussion followed.

Motion by Councilor Hart to find that the property at 235 Water Street is a "Dangerous or Nuisance Building; motion seconded by Councilor Ault. Motion carried 5-0 with Councilor Berry abstaining.

Public Hearing, Second Read and consideration of Land Use Ordinance changes to Appeal Procedure:

This change was prompted by a review of the Comprehensive Plan updates by the City Solicitor. The individual changes will bring the ordinance into compliance with state law and provides for consistency within the Land Use Ordinance.

On February 26, 2018, the Ordinance Review Committee recommended the proposed changes be sent to the Planning Board for review and recommendation to the City Council.

After public hearing on March 20, 2018, the Planning Board approved the proposed changes and recommended they be sent to the City Council for review and adoption. The changes include the following:

Amend Sections 2.4.4.1; 2.4.4.2; 2.4.4.3; 2.4.4.6; & 2.4.4.8 within Section 2.4.4.4 Appeal Procedure

Copies of the proposed ordinance, meeting minutes and related documents are attached.

CEO Barb Skelton presented this item to the Council. Public hearing was opened and with no comment the public hearing was closed.

Motion by Councilor Hart to approve and adopt the Appeal Procedure changes to the Land Use Ordinance and waive the publication of the amendments in the newspaper (as allowed by City Charter Article II Section 9); motion seconded by Councilor Ault. Motion carried 6-0.

Public Hearing, Second Read and consideration of Land Use Ordinance changes to Hours of Operation:

This change was prompted due to a Planning Board review of a new business on Water Street. The individual changes will allow for consistent development in the Central Business District and the future Downtown Fringe Districts.

On November 13, 2017, the Ordinance Review Committee recommended the proposed change be sent to the Planning Board for review and recommendation to the City Council.

After public hearing on March 20, 2018, the Planning Board approved the proposed change and recommended it be sent to the City Council for review and adoption. The change is:

Amend Section 6.2.3.2.8.d within Section 6.2.3.2 Activities Subject to Planning Board Review as follows:

d. Operation of the new use between 7:00 PM and 7:00 AM, except in Central Business (CB) & future Downtown Fringe (DF) Districts, which will be 11:00 PM and 7:00 AM

Copies of the proposed ordinance, meeting minutes and related documents were provided to the City Council.

CEO Barb Skelton was present and discussed this item with the Council. Public hearing was opened and with no comment the public hearing was closed.

Motion by Councilor Berry to approve and adopt the Hours of Operation changes to the Land Use Ordinance and waive the publication of the amendments in the newspaper (as allowed by City Charter Article II Section 9); motion seconded by Councilor White. Motion carried 6-0.

Consideration of Credit Enhancement Agreement with Johnson Hall Redevelopment LLC:

Johnson Hall previously made a request for the City to help offset unanticipated expenses related to congressional action that forced the non-profit to take action to retain the full value of historic tax credits. Council expressed an interest in supporting, but indicated a preference to offer support through a Credit Enhancement Agreement. Johnson Hall has met with City Staff, and is has submitted the following request for a Credit Enhancement Agreement for a period of eight years. The first three years would be at 100% of increased assessed value, and would be capped at \$19,000 per year for the following five years.

Patrick Wright and Mike Miclon were present and reviewed this item with the Council. A brief discussion followed.

Motion by Councilor Hart to support the Johnson Hall redevelopment by entering into a Credit Enhancement Agreement as requested; motion seconded by Councilor Berry. Motion carried 6-0.

Discussion of a potential dog park located on city owned property:

Jack Fles spoke about the proposed site and what they would like to accomplish with a public dog park. They are looking for permission to locate the park on public property. The proposed property is listed as Map 030 Lot 036 on the City's tax maps.

A presentation was also made by the organizers of Barks In The Park; before beginning the permitting process needed to create the park, the organizers discussed their use of this particular piece of City property. A brief discussion followed. The City Council expressed their support of this project and encouraged the organizers to move forward with their plans.

No motions were made or necessary for this item.

Minutes approved during 08/15/2018 meeting

Consideration of Special Event Permit - Greater Gardiner River Festival:

A Special Event Permit from Gardiner Main Street was presented for the annual Greater Gardiner River Festival on June 23, 2018. This event would require the closure of Water Street and the Waterfront Park to allow street vendors and activities to take place; the day will close with fireworks at the Gardiner Waterfront. A brief discussion followed.

Motion by Councilor Ault to approve the Special Event Permit for the Greater Gardiner River Festival to be held on June 23, 2018; motion seconded by Councilor White. Motion carried 6-0.

Discussion of City Hall boilers:

A few months back, Gardiner Public Works Director came to City Council to discuss an ongoing maintenance issue with the pellet boilers. Tony LaPlante was present to give City Council an update on this project. Mr. LaPlante spoke about options and grant money that could help with this issue. He explained how dire the situation is with proper heating for City Hall and Emergency Services. Discussion followed. No motions were made or necessary for this item.

Public Hearing, Discussion and Debate on FY19 Budget:

Interim Manager Davis and Finance Director Denise Brown presented an update to the budget for FY19. Discussion followed.

Motion by Councilor Hart to amend the City Manager's recommended budget as updated on May 6, 2018 by incorporating the changes proposed by the Interim City Manager and move it to a first read on June 6, 2018; motion seconded by Councilor Ault. Motion carried 6-0.

Consideration of Board & Committee Appointments:

Attached you will find the following requests for Board & Committee Appointments:

- Ariel Ziemer for the Housing Committee
- Deborah Sparrow for the Gardiner Public Library Board of Trustees
- Ed Lawrence for the Board of Appeals
- Dennis Doiron for the Board of Assessment Review
- Justin Young for the Economic Development Committee

Motion by Councilor Hart to approve the following appointments of Ariel Ziemer to the Housing Committee, Deborah Sparrow to the Gardiner Public Library Board of Trustees, Ed Lawrence to the Board of Appeals, Dennis Doiron to the Board of Assessment Review and Justin Young to the Economic Development Committee; motion seconded by Councilor Berry. Motion carried 6-0.

Consideration of Victualer's Licenses:

The City Council was provided with the list of Victualer's Licenses, which is an annual license issued to any restaurant/business that prepares or serves food or drink to the public on or off their premises.

Motion by Councilor Berry to approve the list of Victualer Licenses as presented for the 2018 year, subject to any terms and conditions set forth by City Departments; motion seconded by Councilor Hart. Motion carried 6-0.

Liquor License Renewal - Cobbossee Aerie #4330:

A Liquor License renewal and a request for an Outdoor Consumption License from Cobbossee Aerie 4330 was presented. Cobbossee Aerie #4330 is located at 21 Eagle Drive in Gardiner and their current liquor license is set to expire on July 4, 2018; there are no changes requested for this renewal.

Motion by Councilor Hart to approve a liquor license renewal for Cobbossee Aerie #4330 and Outdoor Consumption License, which is located at 21 Eagle Drive in Gardiner; motion carried by Councilor White. Motion carried 6-0.

Minutes approved during 08/15/2018 meeting

Interim City Manager Report:

- The Iron Mine MH Park will be going out for bid soon.
- There were 75 people in attendance at the Library for a head start art show presented by students.
- Dot Morang is retiring and will have a party on May 31st.
- Thanks to the department heads who worked very hard on the FY19 Budget. Also thank you to the Council for their support and the residents who have been vocal in their support and concerns with the budget.
- She is hopeful that the Town of Farmingdale will rejoin the Library for their residents.

City Council Report:

- Councilor Berry: Thanked the Interim City Manager and the Department Heads for their work on the FY19 Budget.
- Councilor Rines: Thanked those involved with the budget.
- Councilor White: Said she is very proud to be a member of the City Council. She is excited about the dog park. Great work by all involved with the budget. Thanks to Tony for taking care of her neighbor's complaint.
- Councilor Ault: Great to hear that Farmingdale may come back to the Library. Was intrigued by the E911 street discussion.
- Councilor Hart: Happy to see so many stepping up to participate with the committees. Thanks to those who worked on the budget.
- Mayor Harnett: Thanks the department heads, Council and residents who spoke on the budget. The community has lost two well know residents with the resent passing of Bob Moody and Ken Carlson, they were residents who cared greatly for this community.

ADJOURN:

Motion to adjourn by Councilor White; motion seconded by Councilor Berry. Motion carried 6-0.
Meeting adjourned at 9:20 p.m.

Respectfully submitted by,
Lisa Gilliam, City Clerk