

**GARDINER CITY COUNCIL MEETING**  
**Wednesday, July 26, 2017**  
**Gardiner City Hall**

Mayor Thomas Harnett called the regular Council Meeting to order at 6:23 p.m.

**Roll Call:**

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

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

Mayor Harnett opened the meeting up for public comment; hearing none, Mayor Harnett closed this portion of the meeting.

A resident asked if there was any information or an update on the Lost Orchard Brewery. Mayor Harnett stated that the public would be updated on its status at a future meeting.

**Consent Agenda:**

**Executive Session Followed by Public Vote - Consideration of Purchase and Sale Agreement on 24 and 31 Summer St and Option Addendum on 1, 24, 31 and 59 Summer St.:**

Motion by Councilor Patricia Hart to begin executive session; motion seconded by Councilor Berry. Motion carried by unanimous vote 8-0.

Executive Session began at 6:05 p.m.

Executive Session ended at 6:20 p.m.

**Consideration of Purchase and Sale Agreement on 24 and 31 Summer St and Option Addendum on 1, 24, 31 and 59 Summer St.:**

Motion by Councilor Patricia Hart to authorize the City Manager to move forward with the option of proposed 3<sup>rd</sup> addendum; motion seconded by Councilor Berry. Motion carried by unanimous vote.

**Disclosure of City Councilor seeking CDBG Facade Funds, abstention from future discussion and votes Public Hearing: CDBG Grant Close Outs:**

Interim City Manager Anne Davis and Director of Gardiner Main Street Patrick Wright both briefed the City Council on this agenda item. At a meeting on 9/21/16, City Council created the Gardiner Facade Steering Committee to develop a facade improvement program. As part of the creation of the committee, council authorized the committee to create the program description, ensure compliance with the grant guidelines, and make individual funding decisions on projects. On 12/26/16, council held a public hearing and officially accepted the grant funds. In early March of 2017, Councilor Terry Berry (Sole member of Three Pillars Properties Real Estate LLC) purchased a building at 243 Water Street and submitted an application for funding through the facade improvement program. The committee reserved a portion of the requested funding for Councilor Berry, along with 13 other projects. Federal regulations prohibit City Councilors from benefitting directly from Community Development Block Grant Programs unless they receive a waiver from the Housing and Urban Development Agency (HUD). In these matters, HUD delegates responsibility to Maine Department of Economic Development (DECD). In order to receive the waiver, Councilor Berry must obtain a letter from the City attorney that no state or local conflict of interest laws have been broken, he must disclose publicly his intent to use funds through the program, and he must abstain from any future discussion, votes, or public discussion on the matter. Discussion followed.

Councilor Berry publically acknowledged that he is the owner of the properties located at 243 and 247 Water Street and that he has requested facade funds through the CDBG program; he also said he purchased

this property on March 3, 2017. Councilor Berry stated that he would agree to not participate or have any conversations involving the grant process and that he would recuse himself from any vote regarding this subject.

Motion by Councilor Patricia Hart to acknowledge Councilor Berry's disclosure and commitment to recuse himself from any future vote regarding this matter and to support submission of a waiver to Maine DECD/HUD and the City's attorney under 24CFR570.611; motion seconded by Councilor Cusick. Discussion continued concerning the grant process. Motion carried 6-0 with Councilors Terry Berry & Phil Hart abstaining from the vote.

**ADDENDUM – Consideration of request to prioritize allowing indoor agricultural uses at Libby Hill Business Park:**

Patrick Wright addressed the Council on this item. Ordinance Review Committee and Planning Board Chair Debby Willis was also present and discussed the ORC reviewing process. A brief discussion followed.

Motion by Councilor Cusick to request that the Ordinance Review Committee prioritize consideration of language amending the City of Gardiner Land Use Ordinance to allow indoor cultivation of vegetables in the PIC district; Motion seconded by Councilor Dolley. Discussion followed. Motion carried by unanimous vote 8-0.

**Consideration of narrowing outer summer street (west of Winter St) to 16' in width:**

The Cobbossee Trail Committee has been considering a design for the portion of Water Street from Winter Street to the Rail Trestle for realignment as part of the addendum to the Preliminary Design Review approved in 2009. A more in-depth public discussion will be had on Thursday, August 24th at 6pm, looking at all of the recommended updates of the trail. However, in order to keep the project on schedule, and to present the preferred design, the committee needs action from City Council to allow this portion of Summer St. to be reduced to 16' in width. Current guidance in the Land Use Ordinance allows a minimum width of 18' on this type of road. The original design contained considerable impacts to the lot at 26 Winter Street though the trail was proposed to be in the Right of Way, fill extensions would infringe on the property. The committee would much prefer to limit impacts on adjacent properties in order to avoid acquisition expense and unnecessary takings.

Patrick Wright and Tony Laplante were present to review this item with the Council. A representative from the Winter Street Baptist Church was present and stated they had no concerns with the changes that are being discussed.

Motion by Councilor Berry to support the width of Summer Street from Winter Street to Harden Street being reduced to 16' in width in conjunction with the Cobbossee Trail Project; motion seconded by Councilor Dolley. Discussion followed. Motion carried by unanimous vote 8-0.

**Special Event Permit - "End of Summer Bash":**

Interim Manager Davis reviewed this Special Event Permit from Townsquare Media for their "End of Summer Bash" event. This event is scheduled for August 26, 2017 at the Gardiner Waterfront from 11am to 5pm. They are planning on having food trucks, a beer garden and live music. A brief discussion followed.

Motion by Councilor Patricia Hart to approve the Special Event Permit for the End of Summer Bash to be held on August 26, 2017 at the Gardiner Waterfront; motion seconded by Councilor White. Discussion continued. Concerns about parking for boat trailers and where they would be able to park were discussed. Motion carried by unanimous vote 8-0.

### **Consideration of Catered Event Liquor License - "End of Summer Bash":**

Lisa's White Flour Catering has submitted a Catered Event Liquor License for the "End of Summer Bash" event. This event is scheduled for August 26, 2017 at the Gardiner Waterfront from 11am to 5pm. This liquor license is to cover this event only and the alcohol will be served and consumed in a designated area.

Motion by Councilor Berry to approve the Catered Event Liquor License from Lisa's White Flour Catering for the End of Summer Bash to be held on August 26, 2017 at the Gardiner Waterfront; motion seconded by Councilor Cusick. Motion carried by unanimous vote 8-0.

### **Consideration of Council Meeting Minutes:**

Attached you will find the following Council Meeting Minutes for your review:

- September 21, 2016
- December 7, 2016
- April 5, 2017
- May 17, 2017
- July 12, 2017

Motion by Councilor Ault to approve the City Council Meeting minutes for the dates of September 21, 2016, December 7, 2016; motion seconded by Councilor Berry. Motion carried 6-0 with Councilors White and Cusick abstaining.

Motion by Councilor Ault to approve the April 5, 2017, May 17, 2017 and July 12, 2017; motion carried by Councilor Berry. Motion carried by unanimous vote 8-0.

### **COUNCIL REPORT:**

- Councilor Patricia Hart – Duct Tape Council had a community pot luck tonight at the Common. Tomorrow at Rotary they are having a ribbon cutting at the Harrison Trail and the public is invited. The Harrison Avenue neighborhood had a nice productive meeting. Councilor Hart ended by saying that she will be running again in November for Council.
- Councilor Jon Ault – Stated he had seen a lot of news articles about the clean-up of the City by those who would be given free marijuana from the new downtown business.; he said most of the press was positive. Bees – said he was pleased with the progress of the committee for the discussion and hopeful resolution. Cap-n-Stem co-owner has been diagnosed with brain cancer. There has been an online fund set up for them.
- Councilor Maryann White – Said she appreciated the ORC and Councilor Hart for taking on the chicken issue.
- Councilor Phil Hart – Said he is supportive of Councilor Berry, but he has questions to make sure everything follows the proper process. And he also thanked him for buying these buildings and the improvements it will make in the downtown. He thanked Anne for continuing as the interim city manager and said she is doing a very good job.
- Councilor Shawn Dolley – No report.
- Councilor Timothy Cusick – Thanked Councilor Patricia Hart and ORC for their work. He also thanked Councilor Berry and anyone who wants to take on businesses or properties to make Gardiner a better place. He also mentioned last week's cookout and said it was a big hit.
- Councilor Terry Berry – Said he appreciates those involved in the community and how everyone works to make Gardiner a better place.
- Mayor Thom Harnett – He said there had been 5 ribbon cuttings for new businesses in the past few weeks. EDC had a cookout at the Gardiner Common and he thanked City Tax Collector Kathy Cutler and Councilor Tim Cusick and EDC Member Sue Crawford for their work and participation in this event, it was wonderfully done. August 2<sup>nd</sup> there will be meeting about the upcoming bridge projects. On August 4<sup>th</sup> the downtown will host the annual Summer Artwalk event. He encouraged everyone to get the word out on the property tax and sewer relief programs for the elderly.

**MANAGER'S REPORT:**

Interim Manager Davis had no report.

**ADJOURN:**

Motion by Councilor Cusick to adjourn; motion seconded by Councilor Patricia Hart. Motion carried by unanimous vote 8-0.

Respectfully submitted by,  
Lisa Gilliam, City Clerk