

**GARDINER CITY COUNCIL MEETING**  
**Wednesday, March 7, 2018**  
**Gardiner City Hall**

Mayor Thom Harnett called the regular Council Meeting to order at 6:05 p.m.

**Roll Call:**

Mayor Thomas Harnett; Councilors Terry Berry, Tim Cusick, Shawn Dolley, Maryann White, Jon Ault, Patricia Hart and Marc Rines. Also present were Police Chief Jim Toman (who was present on behalf of the Interim City Manager) 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; hearing none, Mayor Harnett closed this portion of the meeting.

Mary Ann Johnson from 92 School Street spoke to the Council about the trash that accumulates in the downtown on Water Street. She asked for the Council to address the ordinance about renters using dumpsters that do not belong to them. This is a continuing issue for business owners. Mayor Harnett said this topic would be brought before the Council at a future meeting.

**Consent Agenda:**

**Discussion with Johnson Hall's Executive/Artistic Director:**

Executive/Artistic Director Mike Miclon was present to give the City Council an update on Johnson Hall. Mr. Miclon said that once the City of Gardiner made their contribution to the restoration of Johnson Hall they started seeing an increase from private donors. They are continuing to raise funds and will continue to provide updates to the Council.

**Public Hearing and First Read of the Sewer Rate Increase:**

At the 2-21-2018 meeting Council decided on a 4 year sewer rate increase schedule of 4% increases in each year starting in FY 2019 7-1-2018 then increasing 4% in FY 20, FY 21 and FY 22. Increases to apply to both minimum fees and usage based fees. Because the numbers were changed from the original proposal a new Public Hearing and First Read will begin March 7, 2018 with a second read on March 21, 2018.

Wastewater Director Doug Clark gave a brief update about this item. Mayor Harnett opened the Public Hearing; with no public comment, Mayor Harnett closed the public hearing.

Motion by Councilor Hart to move to a second read, the passage of amended sewer rate fee increases of 4%, 4%, 4% and 4% beginning each fiscal year starting July 1, 2018 to be based on quarterly minimum charges plus water usage rates, with the Council receiving an annual update on the increases; motion seconded by Councilor Berry. Motion carried by unanimous vote 8-0.

**Public Hearing, Second read and consideration of changes to the Land Use Ordinance re: Indoor Cultivation Facilities:**

As requested by the City Council, the Ordinance Review Committee (ORC) considered the request to allow for greenhouse/indoor growing facilities. Working with the contract planner, Mark Eyerman, a draft proposal was developed. On October 16, 2017, the ORC voted to send the proposed changes to the Planning Board (PB) for further action. The PB held a public hearing on November 14, 2017 and voted to send the proposal to the City Council for review and adoption.

The changes include the following:

1. Amend Section 7.6 Land Use Table
2. Amend Section 17.2.1 Definition of Commercial Agriculture
3. Amend Section 10.3.5 Standards for Commercial Agriculture by adding Section 10.3.5.5

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

This item was advertised for first read and second read on January 26th for the February 7th and 21st Council Meetings. Due to the storm cancellation, it was re-advertised on February 19th for the February 21st and March 7th Council meetings.

Code Enforcement Officer Barb Skelton and ORC Chair Debby Willis were present for to quickly review this agenda item.

Mayor Harnett opened the Public Hearing; with no public comment, the public hearing was closed.

Motion by Councilor Berry to approve and adopt the Indoor Cultivation Facilities 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 Hart. No discussion. Motion carried by unanimous vote 8-0.

**Discussion About Tree Policy:**

The Tree Warden, Barb Skelton and the Public Works Director, Tony LaPlante investigate tree complaints and determine if removal is warranted. The City Council is asked to provide some guidance on a policy regarding the expenditure of funds when the trees are on public and private property. Mr. LaPlante gave a few examples that he and the CEO recently dealt with. A brief discussion followed. The Council agreed to have the Public Works Director and the Public Works Director work on a policy that will be brought back before the City Council at a later date.

**Discussion About Icicle/Sidewalk Policy:**

The Code Enforcement Officer, Barb Skelton and the Public Works Director, Tony LaPlante investigate icicle/sidewalk complaints and determine if removal/closure is warranted. The City Council is asked to provide some guidance on a policy regarding the removal of ice and snow from buildings adjacent to sidewalks in the downtown business area.

CEO Barb Skelton said she has had to speak with business owners in the downtown area about clearing icicles and/or creating a walk around area for public safety. This issue is affecting the sidewalks and the general public. Discussion followed.

The Council suggested that the CEO and PWD move forward and research the best way to handle this issue and bring it back to the City Council at a later date.

**Consideration of City Council Minutes:**

Council Meeting minutes from the January 3, 2018 meeting were discussed.

Motion by Councilor Hart to approve the City Council Meeting minutes dated January 3, 2018; motion seconded by Councilor White. Motion carried by unanimous vote 8-0.

**Discussion of Possible State Tax Breaks for Local Businesses:**

Governor Paul LePage will be selecting a handful of communities that could benefit from an economic development program included in the tax overhaul that was passed last year. Under the tax law, governors can designate "opportunity zones" in a limited number of low-income areas where investors will receive significant tax breaks by directing their capital gains into business or real estate.

Gardiner Main Street Director Patrick Wright was present to review this item with the Council. A brief discussion followed. No motions were made or necessary.

#### **Consideration of Board & Committee Appointments:**

The first request is from Kirk Duplessis who would like to be appointed to any of the following committees: Audit Committee, Housing Committee, KVCOG Executive Board, Library Board of Trustees or the Technology Advisory Committee. After reviewing the committees, the Housing Committee is in most need of members.

The second request is from Jaclyn O'Donnell who has requested an appointment to the Housing Committee.

Motion by Councilor Ault to approve the appointment of Kirk Duplessis & Jaclyn O'Donnell to the Housing Committee; motion seconded by Councilor Cusick. Motion carried by unanimous vote 8-0.

#### **MANAGER'S REPORT:**

- A large snowstorm is on the verge of hitting the City. The Chief and PWD will decide whether or not city offices will be opened or closed.
- Anne returns on Tuesday.

#### **CITY COUNCIL UPDATE:**

- Councilor Hart – None... except the Gardiner Rotary is ready to win the Gardiner Feud on Friday night.
- Councilor Ault – Is looking forward to Gardiner Feud.
- Councilor White – Kudos in advance to PW and Building and Grounds with the impending storm.
- Councilor Rines – Be safe tomorrow.
- Councilor Dolley – None
- Councilor Cusick – Looking forward to Feud.
- Councilor Berry – Meeting is short tonight.
- Mayor – Feud and auction on Friday night will be enjoyable. There will be five interviews for Gardiner Main St and 7 interviews next week for City Manager.

#### **ADJOURN:**

Motion to adjourn by Councilor Dolley, seconded by Councilor Berry. Motion carried by unanimous vote 8-0.

Meeting adjourned at 7:10 p.m.

Respectfully submitted by,  
Lisa Gilliam, City Clerk