



**GARDINER CITY COUNCIL**  
**AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	03/04/2020	<b>Department</b>	City Council
<b>Agenda Item</b>	4.10 Approve Minutes of February 5, 2020 and February 19, 2020		
<b>Est. Cost</b>	n/a		

<b>Background Information</b>	Attached are the minutes from the February 5, 2020 and February 19, 2020.
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<b>Requested Action</b>	'I move to approve the minutes of February 5, 2020 and February 19,2020 as presented.'
<b>City Manager and/or Finance Review</b>	The City Manager recommends the above action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

<b>City Clerk Use Only</b>	1 <sup>st</sup> Reading _____	Advertised _____	<b>EFFECTIVE DATE</b> _____
	2 <sup>nd</sup> Reading _____	Advertised _____ w/in 15 Days	
	Final to Dept _____	Updated Book _____	Online _____

Mayor Hart called the meeting to order at 6:07pm.

## 1. ROLL CALL & PLEDGE OF ALLEGIANCE

Patricia Hart, Mayor at large; Councilors: Terry Berry, District 1; Colin Frey, District 3; Maryann White, At large; Jon Ault, At large; Tim Cusick, At large; Amy Rees, District 2; Marc Rines, District 4

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Economic Development Director, Tracey Desjardins; Finance Director; Denise Brown, City Librarian; Anne Davis, Fire Chief; Al Nelson, Waste Water Director; Doug Clark, Charlie Langston, Tracy Meehan, Dennis Meehan, Jessica Lowell, Dennis Wheelock

## 2. PUBLIC COMMENT (anything not on the Agenda)

Mayor Hart asked for any comment from the public. Hearing none, we will move on to the next item on the agenda.

## 3. PETITIONS/PUBLIC HEARINGS

- a. Public Hearing on a Proposed Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11

This agenda item is a Public Hearing for a proposed Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11.

The City Council previously approved sending a proposed Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11 to a first and second read.

Mayor Hart opened the public hearing at 6:09pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:09pm.

## 4. NEW BUSINESS

1. First Read of Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11

Councilor Rees moved to send the Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11 to a second read on February 19, 2020.

Councilor White seconded.

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

2. Approve Sending Proposed Amendments to the Land Use Code to First and Second Read/Addressing the Treatment of Marijuana Establishments

The following amendments are being proposed:

Section 17; Definitions

Section 7.6.3 Commercial Uses



Section 7.6.4 Industrial, Wholesale & Transportation Uses

Section 10 Special Activity Performance Standards to create a new section 10.28

Section 6.2.3.2 Activities Subject to PB Review to add a new section 6.2.3.2.9

Planning Board Chair Debby Willis gave an overview of the proposed amendments.

Councilor Berry asked if there is a limit of number of facilities allowed.

Debby Willis replied that there is not. That is something for Council to consider.

Councilor Berry asked where the operational hours being 8:00am – 8:00pm came from since you can buy alcohol at different times than those in the proposal.

Debby Willis replied that it is just a traditional time for Downtown businesses.

Councilor Rees moved to send the proposed amendments to the Land Use Code addressing the treatment of marijuana establishments to a first and second read on 2/19/2020 and 3/4/2020 respectfully.

Councilor Ault seconded.

Mayor Hart asked for any discussion.

Councilor Rees recommended being cautious about saying no to having these types of businesses in the City as it is a huge opportunity. She is in favor of putting some limits in place.

Councilor Ault agreed with Councilor Rees. He asked if Council has the discretion to determine how many licenses could be issued.

Debby Willis replied that if an applicant goes to Planning Board and meets all the criteria, then a license must be issued.

Councilor Berry opposed limiting how many businesses can be approved. He also did not agree with limiting the hours of operation.

Debby Willis

Councilor Berry

Councilor Cusick thanked the ORC and Planning Board for all their work on the proposal. He is in support of it as presented.

Councilor White agreed with Councilor Cusick and Council Rees. We should welcome businesses to the City.

Councilor Rines is not in favor of setting hours of operation.

Councilor Ault reminded everyone that the proposal is a permissive document.

Debby Willis stated that it went to public vote a couple years ago and did not pass within the City. A Task Force Community was formed and recommended it go forward.

Mayor Hart said numerous residents spoke with her about concerns that it would be too easily assessable. She recommends that the hours of operation be limited to 8:00am through 8:00pm with the knowledge that Council can revisit changes the hours at a later date.

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

3. Approve Sending Proposed Amendments to the Land Use Code to First and Second Read /Addressing the Treatment of Commercial Solar Arrays

The following amendments are being proposed:

Section 17; Definitions

Section 7: Amend Land Use Table in subsection 7.6.4

Section 6: Revise subsection 6.2.3.3 Activities Subject to Site Plan Review/adding a new section 6.2.3.3.7

Planning Board Chair Debby Willis gave an overview of the proposed amendments.

Councilor Frey moved to send the proposed amendments to the Land Use Code addressing the treatment of commercial solar arrays to a first and second read on 2/19/2020 and 3/4/2020 respectfully.

Councilor Berry seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous (Councilor Ault was absent for the vote)

#### 4. Consider Sending Two TAP Properties Out to Bid

Tax Collector Cutler is requesting the City Council to approve sending two tax acquired properties out to bid:

21 Adams St., Map 036 Lot 021, minimum bid \$5,000

0 Orchard St., Map 026 A Lot 015 A, minimum bid \$10,000

Bid documents would go out February 7, 2020, with a deadline of February 14, 2020. Bids would be presented to council on the meeting of February 19, 2020 to possibly award a winning bid.

Councilor Berry moved to send 21 Adams Street (Map 036 Lot 021) out to bid with a minimum bid of \$5,000 and to send 0 Orchard Street (Map 026A Lot 015A) out to bid with a minimum bid of \$10,000.

Councilor Cusick seconded.

Mayor Hart asked for any discussion.

Councilor White commented that the dates of the second property being put out to bid have already gone by and asked if there was a mistake on the paperwork.

City Manager Landes replied that it would be corrected by the Tax Collector before advertising the properties.

Councilor Berry stated that the land on the corner of the 0 Orchard Street has public water and sewer. He believes that \$10,000 is too low and recommended a higher minimum bid price of \$35,000.

Councilor Berry amended his motion to read as follows:

Councilor Berry moved to send 21 Adams Street (Map 036 Lot 021) out to bid with a minimum bid of \$5,000 and to send 0 Orchard Street (Map 026A Lot 015A) out to bid with a minimum bid of \$35,000.

Councilor Cusick seconded.

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

#### 5. Maine Service Center Coalition 2020 Resolution for Membership and Appointment of Voting Delegate Representative and Alternate



The City of Gardiner currently participates in the Maine Service Center Coalition. The City Manager serves as President of this organization.

The Maine Service Centers Coalition (MSCC) was established in September 2001 for the purpose of promoting public policy and legislation that supports and contributes to the economic and social viability of Maine's service center communities. The MSCC is an affiliate organization of the Maine Municipal Association (MMA). The MSCC establishes policy/legislative priorities and objectives as determined by its membership and works collaboratively with MMA's Executive Committee and Legislative Policy Committee (LPC) for this purpose.

The MSCC's primary purpose, generally speaking, is to:

Promote and advocate for legislation and policy that benefit the economic and social viability of member communities.

Work with the interests and priorities expressed by the Maine Municipal Association's Legislative Policy Committee.

Increase the knowledge and awareness of legislators, policy makers, interested organizations, rural communities, and Maine residents regarding MSCC issues and needs.

**Mission Statement**

"To provide a mechanism which will articulate the needs of service centers to our elected officials; to educate our citizenry as to the importance of healthy and thriving service centers; and to network and collaborate with municipal officials, the legislature, state agencies and non-profits in the pursuit of promoting better quality-of-life for all who visit, work, or live in Maine."

**Vision Statement**

"Strive to be an organization that shall operate with the best interest of those who live, work, and depend on service center communities for a myriad of needs and will advocate for:

Achieving a more equitable treatment of service center communities, and those that shall soon become service center communities, who often face significant social, educational, recreational, land use, public safety, and a variety of infrastructure pressures.

Helping all citizens and our legislature better understand the unique nature of our service centers and their importance to a healthy state economy.

Addressing escalating property tax levels and why we must move to, once and for all, comprehensively address the deficiencies of an antiquated system of taxation that places a disproportionate dependence on property taxes.

Embracing the following as the organization's primary objectives:

1. To provide advice and support to Maine's service centers throughout the state.
2. Recommend, develop and advocate policy positions to the legislature and to the Maine Municipal Association.
3. Create public forums for the exchange of information that concern service and or urban centers.
4. Advise the Maine Municipal Association about developments within this organization of service/urban center communities.
5. To promote the potential values associated with inter-municipal cooperation and collaboration."



Councilor Cusick moved to appoint City Manager Landes as the MSCC Representative and Councilor Amy Rees as the alternate.

Councilor White seconded.

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

#### 6. Spirit of America 2020 Nominations

Each year the Mayor and City Council are being asked to select the recipient of the "Spirit of America" award for the City of Gardiner. Attached is the email reminder that the City Manager received in January from Bruce Flaherty, which also provides a background on the award. Presentation of this award should occur in April during National Volunteer Month.

Mayor Hart asked the Council to bring nominations to the next Council Meeting for a vote.

#### 7. Approve Victualers License for Deja Brew

Deja Brew, a new downtown business has applied for a Victualers License.

The City Manager granted Deja Brew a temporary Victualers license to serve food through 2/5/2020.

Councilor Berry moved to approve a Victualers license for Deja Brew

Councilor Cusick seconded.

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

#### 8. Consider the Appointment(s) of Multiple Applicants to Various Boards and Committees

Councilor White moved to advise and consent to the Mayor the appointment of Zachary Hanley to the Planning Board and to obtain more information about the roles of the Economic Development Committee roles.

Councilor Rines seconded.

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

#### 9. Consider Setting a Public Hearing Date for Central Maine Crossing Proposed TIF District

The City of Gardiner would designate a Tax Increment Financing District on the urgent care facility and the back undeveloped area behind it that Central Maine Crossing is planning to develop.

- Urgent Care Lot: The capture rate would be 100% on the urgent care lot. For the urgent care lot,
  - 40% of the TIF revenue generated would be set aside for payment to the developer for 10 years as a way to reimburse them for costs associated with the infrastructure needs for the road and area to be developed behind the urgent care facility. The total projected amount to be paid to the developer is less than half of the developer's projected costs in constructing the road and building the infrastructure. The first payment(s) to the developer will be reduced by



the costs of the City in designating the district and entering into the CEA – a maximum amount of \$15,000.

- 20% of the TIF revenue generated would be held in an escrow subaccount by the City. Such 20% would be paid to the developer if the increased assessed value in the overall TIF district reaches \$7 million before year 4 of the TIF district’s term. If such target is achieved, then the payment obligation to the developer would be 60% instead of 40% for the remaining years of the 10-year CEA term. Otherwise, the City will retain those 20% revenues as TIF funds for its own economic development projects.
- The remaining 40% of the TIF revenue generated would be held in a City project cost account for use on TIF approved municipal projects. Following the end of the 10-year CEA, the City would capture all of the TIF revenues for such TIF approved municipal projects.
- Undeveloped Area: The capture rate on the undeveloped portion of the district would remain 0% unless and until the City decides to enter into future CEAs with future developers only after a public hearing and vote of the Council. Any future CEAs would not require DECD review/approval.
- Timeline: In order for the assessed value associated with the urgent care facility to be captured in a TIF district at all, the application for the district must be approved by Council and submitted to the Department of Economic and Community Development before March 1, 2020. As such, the Council could set the public hearing and vote on the proposal on February 19, 2020 and meet this deadline. A 10-day public hearing notice will be published in a newspaper of general circulation and the proposal materials will be on file with the City in advance.

Economic Development Director, Tracy Desjardins gave a summary of the TIF District proposal.

Councilor Cusick moved to set a public hearing for February 19, 2020 regarding the designation of the Central Maine Crossing TIF District, adoption of a development program for the TIF District, and authorization of credit enhancement agreement with Central Maine Crossing. Councilor Rees seconded.  
Mayor Hart asked for any discussion.

After discussion between EDD Desjardins, City Council and City Manager Landes; Council was concerned with CEA and agreed to remove it from the motion.

Councilor Berry amended the motion to remove “and authorization of credit enhancement agreement with Central Maine Crossing.”  
Councilor Rines seconded.

Mayor Hart asked for any further discussion. Seeing none. All those in favor. 7-1 (Councilor Rees opposed)

Councilor Cusick moved to set a public hearing for February 19, 2020 regarding the designation of the Central Maine Crossing TIF District, adoption of a development program for the TIF District.  
Councilor Rees seconded.  
Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous

10. Approve Minutes of January 22, 2020

Councilor Berry moved to approve the minutes of January 22, 2020 as presented.

Councilor White seconded.

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

- **CITY MANAGER REPORT**

- Department updates will be available to the public going forward.

- **CITY COUNCIL REPORT**

Councilor Ault

- All set

Councilor Cusick

- All set

Councilor White

- Thank you for the Council Work session that took place last Saturday
- Received correspondence regarding the condition of Pierce Street. A follow up notice stated it was on the list for repaving in the spring.

Councilor Berry

- 43 days to Spring

Councilor Rees

- Thanked the City Manager & Department Heads for the updates. They are very helpful.

Councilor Frey

- All set

Councilor Rines

- All set

Mayor Hart

- Thanked everyone for a productive Council Work Session last Saturday.
- Upcoming ribbon cutting of Good Seeds Yoga on Saturday at noon.
- Johnson Hall's Mike Miclon, MC'd at the Kennebec Valley Chamber Event. Two Gardiner businesses were recognized: The first was Steve Marson and the Central Maine Pyrotechnics and the Riverview Variety Store and second was Tess Zardus from Zardus School of Massage

- **EXECUTIVE SESSION**

- Pursuant to M.R.S.A. § 405 (6)(E): Economic Development for Libby Hill Business Park

Councilor Berry moved to enter into executive session pursuant to M.R.S.A § 405 (6)(E):

Economic Development for Libby Hill Business Park.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:26pm.



Councilor White moved to exit out of executive session pursuant to M.R.S.A § 405 (6)(E):  
Economic Development for Libby Hill Business Park.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:12pm.

Councilor Berry moved to direct City staff to enter into a purchase and sale agreement with the  
discussed changes and allow the City Manager to sign.

Councilor Cusick seconded.

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

- Pursuant to M.R.S.A. § 405 (6)(E): Economic Development for Summer Street Property

Councilor White moved to enter into executive session pursuant to M.R.S.A § 405 (6)(E):  
Economic Development for Summer Street Property.

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:14pm.

Councilor White moved to exit out of executive session pursuant to M.R.S.A § 405 (6)(E):  
Economic Development for Summer Street Property.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:23pm.

No action taken

Economic Development Director Desjardins told City Council that the City has been approved to submit a full application in the 100K Facade grant.

Economic Development Director Desjardins updated the City Council on names for the Downtown Parking Committee.

Mayor Hart reminded everyone to submit names for the Spirit of America and Annual Report Dedication.

• **ADJOURN**

Councilor Rees moved to adjourn.

Councilor Rines seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:30pm.

*(Draft minutes until the March 04, 2020 Council Meeting)*

Mayor Hart called the meeting to order at 6:01pm.

## 1. ROLL CALL & PLEDGE OF ALLEGIANCE

Patricia Hart, Mayor at large; Councilors: Terry Berry, District 1; Colin Frey, District 3; Maryann White, At large; Jon Ault, At large; Tim Cusick, At large; Amy Rees, District 2; Marc Rines, District 4

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Public Works Director, Tony LaPlante; Economic Development Director, Tracey Desjardins; City Librarian; Anne Davis, Waste Water Director; Doug Clark, George Trask, Dan Marks, Raegan LaRoche, Debby Willis, Kristin Collins, Roger Bintliff, Jessica Lowell, Andrea Lynn Knapp, Dennis Meehan, Dennis Meehan, Logan Johnston, Phyllis Gardiner

## 2. PUBLIC COMMENT (anything not on the Agenda)

Mayor Hart asked for any comment from the public. Hearing none, we will move on to the next item on the agenda.

## 3. PETITIONS/PUBLIC HEARINGS

- a) Public Hearing on a Liquor License Renewal for The Depot Pub

This Public Hearing was advertised in the Kennebec Journal on February 11, 2020.

Mayor Hart opened the public hearing at 6:04pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:04pm.

- b) Public Hearing on a Liquor License Renewal for Gardiner Sportsmen's Club

This Public Hearing was advertised in the Kennebec Journal on February 11, 2020.

Mayor Hart opened the public hearing at 6:04pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:04pm.

- c) Public Hearing on a Proposed Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11

The City Council previously approved sending a proposed Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11 to a first and second read.

Mayor Hart opened the public hearing at 6:04pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:05pm.

- d) Public Hearing on Proposed TIF District/Central Maine Crossing



Mayor Hart opened the public hearing at 6:05pm and asked for any comments from the public.

Economic Development Director, Tracey Desjardins gave a brief overview of the proposed TIF District. The proposal has to be submitted by March 1, in order to receive review and approval from the State before the April 1 tax assessment deadline. The project cost outline was available for review and Council have the opportunity to make changes to the document before it may sent to the State for approval. All development projects need preapproval by the Department of Economic and Community Development before any TIF funds may be distributed.

George Trask, 97 Libby Hill Road resident, stated that he is opposed to the proposal. He commented that he has talked to EDD Desjardins and many other people and he does not understand why the City is even considering another TIF District when we have a business park with one hundred acres and is a TIF but only 2/3 full right now. He disagrees with Mr. Mattson who had stated that a hotel would do better in the proposed TIF District than it would in the first lot of the business park. He also believes that MR. Mattson is a conflict of interest as he lives in a TIF District in Augusta and has previously used TIF funds for other projects such as the development #2 in Gardiner. When he could not make the payments, the City of Gardiner was on the hook for \$40,000 in taxes. He does not believe that TIF is even legal as it was a five-year TIF and he has since left which should have ended the TIF. Mr. Trask stated that his taxes have not gone down and the City tax base has not grown.

Mayor Hart stated that the previous discussion was to limit the proposal to just the boundaries of the TIF District and to not include the CEA.

George Trask stated that he wanted to put a stipulation of no CEA in the proposal. He commented that former Councilor Phil Hart had to fight for discount for elderly on taxes.

Logan Johnson, Olds Farm resident, offered his support on the TIF District. He asked the Council to support the proposal to invest in the future. This proposal is strictly to set the boundaries and give definition of the development. This is not the return for today or tomorrow but for the future.

Mayor Hart asked about a change to the proposed motion.

City Manager Landes replied that the wording of the motion be amended to include the legal language.

City Manager Landes stated that there was correspondence from George Trask and Jack Skehan on the proposal available to the public.

Roger Bintliff, Gardiner business owner, commented that he is encouraging the proposal and has been a part of TIF Districts in the past and agrees with Logan Johnston. TIF Districts are instrumental for the future.



Mayor Hart asked for any further comment. Hearing none. Mayor Hart closed the public hearing at 6:21pm.

- e) Public Hearing on Proposed Amendments to the Land Use Code/Addressing the Treatment of Marijuana Establishments

Mayor Hart opened the public hearing at 6:21pm and asked for any comments from the public.

Kristin Collins, attorney for Wellness Connection of Maine, commented that she has no issues with the proposed ordinance as it stands. She thanked the Council for taking past concerns in to consideration.

Dennis Meehan Jr, Gardiner resident and business owner, stated that what this plant has done for the community has changed him. He wants to be able to continue to help people and is concerned that this ordinance will prevent that from happening.

Mayor Hart responded that this is not about licensing, it is about where activities can occur and the requirements. We are not trying to rescind a current license.

Dennis Meehan replied that he is already doing all of the items that the ordinance says are prohibited. He also wants to know why limitations are being put on this business but not others, such as bars.

Mayor Hart asked Mr. Meehan if he has reached out to EDD Desjardins or the Planning Board Willis to discuss how your business could continue within the proposed ordinance.

Dennis Meehan replied that he did not know that was an option.

Mayor Hart responded that it is always an option. She asked Mr. Meehan if he had gone to the Planning Board when the rules were discussed.

Dennis Meehan replied that he had gone to a couple of them and testified.

Planning Board Chair Debby Willis, stated that there are two changes to the land use table (7.6.3 and 7.6.4) which states where operations and facilities can be placed.

Andrea Lynn, 152 Spring Street resident, commented that the definition of manufacturing on the local level being different from the State regulations is a reason for concern. She is in support of small businesses like the Meehan's shop and the accessibility of it.

Dennis Meehan III, 38 Elm Street, stated that in High School, he did not believe in cannabis. He believes he was misled until his father learned about cannabis after an accident.

Mayor Hart asked for any further comment. Hearing none. Mayor Hart closed the public hearing at 6:41pm.



Debby Willis commented that the proposal does not do anything to change or harm the existing businesses. As a marijuana caregiver store, Mr. Meehan permitted by State regulations to continue to operate. Medical Use Marijuana is State regulated and Adult Use Marijuana is locally regulated.

Councilor Ault wanted to make it clear that the document is permissive.

- f) Public Hearing on Proposed Amendments to the Land Use Code/Addressing the Treatment of Commercial Solar Arrays

Mayor Hart opened the public hearing at 6:46pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:46pm.

#### 4. NEW BUSINESS

Mayor Hart asked to move agenda item 11 up to agenda item 1. Council agreed unanimously.

1. Consider Contract Amendment #2 with Hoyle Tanner for the WWTF & MAPS Process & Electrical Upgrades

Dan Marks from Hoyle, Tanner & Associates, Inc. and Waste Water Director, Doug Clark, gave an update on where they are in the process regarding the upgrades at the WWTF and review Contract Amendments #2, which includes the final design and bidding phase services.

The Wastewater Advisory Board unanimously approved a recommendation to Council to approve the Contract Amendment #2 with Hoyle Tanner, in the amount of \$311,700 to be included in the project bond.

In the past, the city has required a bid process for contracted work. The exception to this bid process is being asked due to time constraints, the familiarity with the plant specifics by Hoyle Tanner, and the specialty of this whole upgrade.

A Public Hearing will be held for final project costs and authorization to secure interim financing/final financing cost in the March/April time-frame pending notification from Rural Development.

Councilor Berry asked why was the project not put out to bid. City Manager Landes replied that at a previous Council Meeting, the Council agreed not to place it out to bid due to the specialty work involved. The history between the City and Hoyle Tanner is long standing. To start over with another company would cost more money and time.

Councilor Berry moved to approve Contract Amendment #2 with Hoyle Tanner, in the amount of \$311,700 to be funded through the loan/grant award with the intent to waive the bid process for this contract due to work specialty as noted above.

Councilor Cusick seconded.

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

2. Consider Approval of a Liquor License Renewal for The Depot Pub

Councilor Cusick moved to approve the liquor license renewal for The Depot Pub.

Councilor Frey seconded.

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

3. Consider Approval of a Liquor License Renewal for Gardiner Sportsmen's Club

Councilor Cusick moved to approve the liquor/bottle club license renewal for Gardiner Sportsmen's Club.

Councilor White seconded.

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

4. First Read of Proposed Amendments to the Land Use Code/Addressing the Treatment of Marijuana Establishments

The following amendments were proposed:

Section 17; Definitions

Section 7.6.3 Commercial Uses

Section 7.6.4 Industrial, Wholesale & Transportation Uses

Section 10 Special Activity Performance Standards to create a new section 10.28

Section 6.2.3.2 Activities Subject to PB Review to add a new section 6.2.3.2.9

Planning Board Chair Debby Willis gave a brief summary of the proposed amendments.

Councilor Rees moved to send the proposed amendments to the Land Use Code/Addressing the Treatment of Marijuana Establishments to a second read on March 4, 2020.

Councilor Ault seconded.

Councilor White asked Dennis Meehan if the explanation heard earlier make you feel better about the ordinance.

Dennis Meehan replied that it really does not.

Mayor Hart suggested that Mr. Meehan work with CEO McNeill to get better clarity.

Councilor Ault stated that this is a permissive document.

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



5. First Read of Proposed Amendments to the Land Use Code/Addressing the Treatment of Commercial Solar Arrays

The proposed amendments were proposed:

Section 17: Definitions

Section 7: Amend Land Use Table in subsection 7.6.4

Section 6: Revise subsection 6.2.3.3 Activities Subject to Site Plan Review/adding a new section 6.2.3.3.7

Planning Board Chair Debby Willis gave a brief summary of the proposed amendments.

Councilor Cusick moved to send the proposed amendments to the Land Use Code/Addressing the Treatment of Solar Arrays to a second read on March 4, 2020.

Councilor Berry seconded.

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

6. Second Read of Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11

The City Council previously approved sending a proposed Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11 to a first and second read.

7. Possibly Approve Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11

Councilor Ault moved to approve and adopt the Food Sovereignty Ordinance/Title 5 Business & Occupations/Chapter 11 as presented and waive the publication of the ordinance in the newspaper (as allowed by City Charter Article 11 Section 9).

Councilor Rees seconded.

Mayor Hart thanked the ORC for their work on this Ordinance and asked for any discussion. Seeing none. All those in favor. Unanimous

8. Possibly Approve Proposed TIF District/Central Maine Crossing

This proposed district consists of approximately 23.19 acres of property located on Brunswick Avenue/Route 201, near the intersection of Interstate 295. With the adoption of this proposed district, the city can accomplish the following goals:

\*Maintain the existing tax revenues

\*Enjoy enhanced future tax revenues generated by improvements within the district

\*Enable the investment of TIF revenues in high priority city projects

\*Create long-term stable employment opportunities for area residents

\*Improve the overall economy of the city, Kennebec County, and the State of Maine

Also, the city will shelter the increase in municipal valuation that the development will bring.

This Public Hearing was advertised on February 07, 2020.

Councilor Berry moved to be it ordered, to approve a Municipal Tax Increment Financing District to be known as the Central Maine Crossing Omnibus Municipal Development and Tax Increment Financing District and to authorize the City Council to execute required documents – such details listed in Exhibit F.

Councilor Cusick seconded.

Mayor Hart asked for any discussion.

Councilor Ault stated that he is in support of this TIF District.

City Manager Landes asked for clarity on the childcare listed as it was discussed by telephone between City Manager Landes and Mayor Hart earlier in the day.

EDD Desjardins responded that quality childcare is on the list, but it would need further explanation from the State level as to what statute it would qualify under.

Mayor Hart stated that in a previous workshop session, Council was informed that the funds could be transferred to the Downtown Area TIF.

EDD Desjardins responded that this proposal has it for citywide Economic Development Programs.

Councilor Berry stated that number three for promotion is limited to \$15,000 per year.

EDD Desjardins responded that there is some room for flexibility.

Councilor Berry asked if this proposal is set in stone after approval or is there the possibility for changes.

EDD Desjardins replied that through amendment, changes may be made.

City Manager Landes commented that an EDD in Southern Maine had to make changes to a TIF District and it cost a lot of time and money to make those amendments. So please look closely at all options in this proposal.

Mayor Hart commented that she wants quality childcare included in the proposal.

Councilor White asked that since that in the last meeting Council separated the TIF and the CEA, should it be noted in the proposal.

EDD Desjardins replied that they are separate documents anyway.



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

9. Consider Request from MSAD #11 for a Gift of Gravel

The City of Gardiner was approached by MSAD #11 to possibly donate up to three loads of gravel.

The City Manager reached out to Michael Stolz, MMA Attorney regarding this request. He informed the city that such a donation decision should be a matter of legislative determination action (City Council acting as the legislative body would need to decide if public resources could be provided at the taxpayers' expense).

He suggested that the school district be informed that this project affects all of the municipalities that have students in the district and all should have an opportunity to be involved (asked to donate gravel also).

Of course, the City Council can make a decision to not ask the other municipalities and make the small donation themselves.

Councilor Berry asked if Public Works would be delivering the gravel.

City Manager Landes responded it is yet to be determined.

Councilor Berry moved to donate up to three loads of gravel to MSAD #11 to help with the upcoming road project.

Councilor Cusick seconded.

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

10. Approve Sending Proposed Marijuana Establishments Licensing Ordinance to First and Second Read

As part of the adoption of the Land Use Proposed Amendments to the Land Use Code/Addressing the Treatment of Marijuana Establishments, the City needs to exercise oversight and enact a licensing requirements for these establishments.

This proposed ordinance would allow the City Council to review the operation of each facility once a year and to address any issues with the operation. Please see attached memo from the Ordinance Review Committee addressing this matter.

The City Council was asked to send this proposed ordinance to a first and second read on 3/4/2020, and 3/25/2020, respectfully. At the 3/25/2020 meeting the City Council will also be asked to adopt this ordinance as an emergency order to allow for coordination with the possible adoption of the Land Use Code changes (from the 3/4/2020 meeting).

This request to waive the 30-day adoption was asked of as an emergency order (allowable by City Charter). No order or resolve shall take effect until 10 days after its passage except that the City Council may, by the affirmative vote of at least five members, pass emergency orders or resolves to take effect at the time indicated therein out such emergency orders or resolves shall contain a section in which the emergency is set forth and defined.

Councilor Berry moved to send the Marijuana Establishment Licensing Ordinance to a first and second read on March 4, 2020 and March 25, 2020, respectfully.

Councilor White seconded.

Councilor Berry thinks there is a lot of posturing with the merging of the medical marijuana & recreational marijuana. Federal and State regulations are sometimes confusing.

Mayor Hart thanked the ORC for their hard work.

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

#### 11. Discussion Surrounding Lights at Water and Church Street Intersection

On July 20, 2016 the Gardiner City Council conducted a Public Hearing for the consideration of a four-way stop at the Water Street/Church Street intersection.

Since that meeting, Councilor Rees has heard some concerns from her constituents regarding the intersection and the potential safety hazards.

Roberts Rules states that to rescind or amend something previously adopted there would need to be a motion to rescind the motion relating to the support the removal of traffic lights at the intersection of Church and Water Street and install in their place four-way stop signs, and that MeDOT will study ways to enhance the intersection for both vehicular and pedestrian traffic (motioned by Councilor Ault, seconded by Councilor Blanchard and was passed unanimously).

However, if previous notice is not given of an intent to make this rescinding motion so that members are not alerted ahead of time to the fact that the motion will be made, the adoption of such a motion requires either a) a two thirds vote or b) the vote of the majority of the entire membership of the voting body (whichever is smaller).

Chief Toman gave the history of the traffic lights as well as reportable accidents documented at the intersection from 11/24/2015 to current day. If the City wants to keep a traffic light, it would cost \$300,000 to replace the lights.

Public Works Director Tony LaPlante was also present to discuss how the bridge project impacted this decision to remove the lights.

Councilor Rees asked if the installation of new lights would be required.



PWD LaPlante replied that new lighting would be required if the City chooses to keep lights there. The poles are disintegrating.

Councilor Berry asked if the yearly maintenance cost would be around \$2,000 - \$4,000.

Chief Toman replied that is correct, however with the new lights, the cost would be different.

Councilor Berry asked if in the future, traffic count and/or accidents became higher, would DOT step in and fund replacement of the lights.

PWD LaPlante replied that the City could make a request.

Councilor Cusick asked if there has been an issue with accidents.

Chief Toman responded that recently there have been only three accidents, all in 2019. From 1/1/2011 – 5/24/2016 when the lights were shutoff was only four accidents in the intersection. Not all of the accidents were related to the stop sign or overhead light. None of them resulted in personal injury or involved pedestrians.

Councilor Cusick stated that in other areas of the State, there are stop signs with flashing lights on them. Would those possibly be an option to partner on.

PWD LaPlante responded that those had been discussed with DOT and they may be favored on Church Street and Maine Avenue, but not on Water Street.

Mayor Hart suggested contacting Al Godfrey about that plan.

Mayor Hart stated that her car was totaled in 2016 in that intersection.

Chief Toman stated that the accident report stated it happened on Church Street, but not directly in the intersection.

Mayor Hart stated that the report was incorrect and should have been corrected as it started in the intersection and ended up on Church Street. In any case, she believes it is a dangerous intersection for foot and vehicular traffic.

Councilor Cusick stated that unfortunately accidents happen in all cases, whether signs, lights, blinkers are in place. Impatient and distracted people and road rage happens all the time everywhere.

Councilor Frey commented that he drives through daily and does not believe it works well as a four way stop. He was also very surprised with the cost of replacement.

Councilor Rees commented that it is a dangerous intersection and had been almost hit more than once. She was also surprised with the cost of replacement.

Councilor Ault stated here here.

Councilor White asked if the city is able to get the flashing stop signs immediately.

PWD LaPlante replied that we can ask.

City Manager Landes recommended that she along with PWD LaPlante and Chief Toman talk to DOT and report with options.

## 12. 2020 Spirit of America Nominees

Each year the Mayor and City Council is asked to select the recipient of the "Spirit of America" award for the City of Gardiner. City Manager Landes received in January from Bruce Flaherty, which also provides a background on the award. Presentation of this award should occur in April during National Volunteer Month.

Councilor Rees nominated Ingrid Stanchfield.

Councilor Rees moved to advise and consent to the Mayor the nomination of Ingrid Stanchfield as the 2020 Spirit of America Award Recipient.

Councilor White seconded.

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

### • CITY MANAGER REPORT

- Received one of the ambulances

### • CITY COUNCIL REPORT

Councilor Ault

- Spoke with the Director of Christ Church and on May 10<sup>th</sup> Council is urged to attend the Church Supper to serve.

Councilor Cusick

- All set

Councilor White

- Will not be attending the next Council Meeting

Councilor Berry

- Contractors are very pleased with our CEO
- KVCOG meeting, there will be a training for planning board and board of appeals, also a program with the DOT (sidewalks)

Councilor Rees

- All set

Councilor Frey

- All set

Councilor Rines



- All set
- Mayor Hart
- Ribbon cuttings: Blind Pig, Deja Brew, Yoga Studio

Councilor Berry moved to take a five-minute break.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:55pm.

- **EXECUTIVE SESSION**

- Pursuant to M.R.S.A. § 405 (6)(F): Poverty Abatement

Councilor Frey moved to enter into executive session pursuant to M.R.S.A § 405 (6)(F): Poverty Abatement.

Councilor Rines seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:04pm.

Councilor Rees moved to exit out of executive session pursuant to M.R.S.A § 405 (6)(F): Poverty Abatement.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:19pm.

Councilor Rines moved to permit the City Manager to direct staff to deny the poverty abatement as discussed in executive session.

Councilor Frey seconded.

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

- **ADJOURN**

Councilor Rees moved to adjourn.

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:20pm.

This document is in draft form and will be reviewed and possibly approved during the March 04, 2020 City Council Meeting.

Respectfully submitted and attested on 02/21/2020 by

Kelly J. Gooldrup,  
Gardiner City Clerk