



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	03/25/2020	Department	City Council
Agenda Item	4.9 Approve Minutes of March 4, 2020 and March 16, 2020		
Est. Cost	n/a		

Background Information

Attached are the minutes from the March 4 2020 and March 16, 2020.

Requested Action	'I move to approve the minutes of March 4, 2020 and March 16, 2020 as presented.'
City Manager and/or Finance Review	The City Manager recommends the above action.
Council Vote/ Action Taken	
Departmental Follow-Up	

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

Mayor Hart called the meeting to order at 6:02pm.

1. ROLL CALL & PLEDGE OF ALLEGIANCE

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

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Economic Development Director, Tracey Desjardins; City Librarian; Anne Davis, Waste Water Director; Doug Clark, Code Enforcement Officer, Kris McNeill; Debby Willis, Dennis Meehan, Tracy Meehan, Jessica Lowell, Andrea Lynn Knapp

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 Proposed Amendments to the Land Use Code/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

Mayor Hart opened the public hearing at 6:04pm and asked for any comments from the public.

Dennis Meehan expressed his concerns with the new zoning ordinance and regulations. He fears it will shut down his business. He stated that although there is progress regarding marijuana, the public still does not have the information to understand marijuana. All Town offices should be required to have the information for the public.

Councilor Rees asked Mr. Meehan what specific language in the zoning ordinance would impact his business.

Dennis Meehan replied that the zoning ordinance would close my business.

Mayor Hart commented that Mr. Meehan's family has a store on Water Street. They grow and manufacture the marijuana on his property, which is allowed under the old Medical Marijuana laws. The new proposal would prohibit growth and manufacturing of adult use marijuana in high-density neighborhoods. Mr. Meehan will need to switch to adult use and will be prohibited

at that point to continue growth and manufacturing marijuana at his home. The downtown store would still be allowed.

Dennis Meehan stated that the fees being proposed are discriminatory.

Debby Willis, Planning Board Chair and Ordinance Review Committee Chair; briefly explained the difference between medical marijuana and adult use marijuana.

Hearing none. Mayor Hart closed the public hearing at 6:25pm.

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

Proposed amendments to the Land Use Code to Address the Treatment of Commercial Solar Arrays include:

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

Mayor Hart opened the public hearing at 6:25pm and asked for any comments from the public..

Mayor Hart commented that a citizen reached out to her and was delighted to see the proposal.

Mayor Hart asked for any further comments. Hearing none. Mayor Hart closed the public hearing at 6:26pm.

- c) Public Hearing on Marijuana Establishment Licensing Ordinance

This ordinance provides annual licensing allowing the City Council to review the operation of each facility once a year and address any issues with its operation. There are three different sets of requirements in this proposed ordinance: first time applicants, renewal applications, and applications involving the expansion or relocation of a facility.

Mayor Hart opened the public hearing at 6:26pm and asked for any comments from the public.

Dennis Meehan stated that he cannot afford high fees for licensing since his business would require three or more separate licensing.

Andrea Lyn Knapp read a letter expressing concerns with the proposed marijuana licensing laws.

Mayor Hart asked for any further comment. Hearing none. Mayor Hart closed the public hearing at 6:34pm.

4. NEW BUSINESS

1. Second Read and Possible Approval of Proposed Amendments to the Land Use Code/Addressing the Treatment of Marijuana Establishments

Councilor Ault moved to approve and adopt the proposed amendments to the Land Use Code/Addressing the Treatment of Marijuana Establishments, as presented, and to waive the publication of the amendments in the newspaper (as allowed by City Charter Article 11 Section 9.)

Councilor Cusick seconded.

Councilor Rines asked if someone like Dennis Meehan could be grandfathered in.

Mayor Hart replied that he already is as a medical marijuana grower, producer and seller. If he switches to adult use, he will not be grandfathered.

Mayor Hart asked for any discussion. Seeing none. All those in favor. 6-1. (Councilor Rines opposed)

2. Second Read and Possible Approval of Proposed Amendments to the Land Use Code/Addressing the Treatment of Commercial Solar Arrays

Councilor Cusick moved to approve and adopt the proposed amendments to the Land Use Code/Addressing the Treatment of Commercial Solar Arrays, as presented, and to waive the publication of the amendments in the newspaper (as allowed by City Charter Article 11 Section 9.)

Councilor Rees seconded.

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

3. First Read of Marijuana Establishment Licensing Ordinance

Councilor Rees moved to send the Marijuana Establishment Licensing Ordinance to a second read on March 25, 2020.

Councilor Berry seconded.

Mayor Hart asked for any discussion.

Councilor Cusick asked Chair Willis where the licensing fees determined.

Debby Willis replied that it is a figure based on other communities and the impact on City Services required. Council can adjust the fees in the proposal.

Councilor Ault asked for further explanation regarding the construction of the fee schedule. The fees seem too excessive, especially for small businesses.

Debby Willis responded that the fees are tier based on the size of the operation.

City Manager Landes commented that the fees schedule could be removed from the ordinance in the future so it would not require an ordinance change each time the fees change.

Councilor Berry asked how much the fees are for Common Wealth Poultry to process chickens for consumption.

Kris McNeill replied the annual fee is twenty-five dollars.

Councilor Berry asked what the fee is for a bar serving alcohol.

City Manager Landes replied it is ten dollars for a doing business as (DBA).

Councilor Berry stated that the fees are too excessive for marijuana. He fears that this will deter growth and business opportunities in comparison to other communities. He stated that the fees are discriminatory.

Kris McNeill stated that the fees are high but that is not unusual. Other communities are as high as ten thousand. Council can decide on the amount of fees for the City.

Mayor Hart commented that we have to process the proposals to get them on the books and revisit it at a later date to fix them.

Councilor Rees expressed her concerns for the cost of the fees.

Kris McNeill stated that manufacturing can be dangerous as it uses chemicals to process, which may be why the fees are higher.

Debby Willis commented that the process could be volatile, fire hazards, etc.

City Manager Landes stated that the ordinance would have to be passed as it is on March 25 under the emergency orders. When the ORC meets the next time, they could pull or propose a different fee schedule separate from the ordinance to be adopted by Council.

Councilor Berry asked if the City Departments be responsible for monitoring all the aspects of the operation.

Kris McNeill replied that the City is responsible for permitting, licensing and enforcing. There are a lot more rules around marijuana than opening a clothing store would be. We do not monitor the production, methods or the cleanliness of the kitchen as that is all State regulated.

City Manager Landes stated that the fees are to help recoup some of the costs associated with any City Services required.

Councilor Ault stated that he is willing to support the context in the proposal with the hopes that the fees will be revisited in the future.

Mayor Hart asked for any further comment. Hearing none. All those in favor. Unanimous

4. Consideration and Possible Adoption of 2020 Goals and Meeting Guidelines from February 1, 2020 Council Workshop

On Saturday, February 1, 2020, the City Council held a workshop to discuss progress on the 2019 goals, new goals for 2020, and also received training on freedom of access. Facilitator Craig Freshley put together the attached summary of your meeting. Council will now discuss and debate these goals and meeting guidelines.

Councilor Cusick moved to approve the 2020 Council goals and meeting guidelines, as described in the attached document

Councilor Frey seconded.

Mayor Hart thanked the Council and asked for any discussion. Seeing none. All those in favor. Unanimous

5. Tax Acquired Property Bid Awards

a) Map 036 Lot 021 Minimum Bid \$5,000 21 Adams Street

* Val Bolduc \$5,500

* Thomas Valley \$5,500

* John Donohoe \$8,550

b) Map 026 A Lot 015 A Minimum Bid \$35,000 0 Orchard St.

*Val Bolduc \$11,000

Two city-owned properties were recently placed out to bid. Both properties received bids with 21 Adams receiving three bids.

The Council was asked to review the bid(s) and award the property to the bidder that they feel is appropriate.

City Manager Landes recommended that 21 Adams Street not be awarded and instead be put back out to bid. She also recommended that 0 Orchard Street not be awarded as the only bid was under the minimum bid amount.

Councilor Rees asked why the Council should not award the 21 Adams Street property.

City Manager Landes replied that one of the bidders did not sign the deposit check.

Councilor Berry stated that he would be in favor of awarding the bids for both properties to Val Bolduc.

Councilor Ault commented that the City has done business with John Donohoe in the past.

Kris McNeill replied that the property purchased by John Donohoe has been torn down and has since been sitting with an open cellar hole. The bid agreement was not fulfilled.

City Manager Landes stated that John Donohoe did not sign his check for the current bid.

Councilor Rines stated that he supports City Manager Landes in that they should hold off awarding the bids until more information can be obtained.

Councilor Rines asked if the bids come with any stipulations.

Mayor Hart responded that they do not.

Councilor Cusick agreed with Councilor Berry in awarding the bids now.

Councilor Berry moved to approve the bid of \$5,500 for Map 036 Lot 021, 21 Adams Street to Val Bolduc.

Councilor Cusick seconded.

Councilor Rines will abstain due to personal conflict.

Mayor Hart asked for any discussion. Seeing none. All those in favor. 5-1-1 (Councilor Frey opposed and Councilor Rines abstained)

Councilor Berry moved to approve the bid of \$11,000 for Map 026 Lot 015 A, 0 Orchard Street to Val Bolduc.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. 6-0-1 (Councilor Rines abstained)

6. Request from City Manager to Cancel the September 16, 2020 Council Meeting

The City Manager previously presented the City Council with a list of council meetings that were approved. It has since come to the attention of the City Manager, as MMA's Executive Committee's President, that the Maine Municipal Association's Executive Committee has scheduled the fall retreat in Gardiner on 9/17/2020 and 9/18/2020. This will be an opportunity to showcase our great little city to the members of the Executive Committee. As part of that retreat, the President hosts an informal dinner for attendees the evening before the start of the retreat; that date will be 9/16/2020. The City Manager is asking the City Council to consider canceling that scheduled meeting. City Manager Landes asked the City Council to attend a more formal dinner on 9/17/2020.

Councilor Rees moved to cancel the previously approved City Council meeting scheduled for September 16, 2020 due to a scheduling conflict with the City Manager.

Councilor Frey seconded.

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

7. Amend Support Request from the City Council to Apply for a Coastal Communities Grant/Matching 25% Requirement/Downtown Master Plan

The Coastal Communities Grant Program is issued by the Municipal Planning Assistance Program through the Maine Department of Agriculture Conservation and Forestry. If successful, funds through this grant would be used for the creation and adoption of a new downtown plan. The last Gardiner downtown plan was done in 1999 and in order to apply for Community Development Block Grants, we need to have a new plan. KVCOG is working with us on this grant. The application is due April 1, 2020.

Economic Development Director, Tracey Desjardins gave an overview of the proposed amendment request.

Councilor Berry asked if the City has a surplus in TIF funds for this Grant.

City Manager Landes replied that some of this could come from donations and the remaining could be allocated from the TIF funds.

Councilor Cusick moved to amend the support request in the application for a Coastal Communities Grant, with a 25% matching requirement not to exceed \$12,500.

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous with Councilor Ault out of the room.

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

The only appointment that the City Council is asking to advise and consent to is the appointment of Timothy Cusick to the Ambulance Advisory Board.

Councilor Berry moved to advise and consent to the Mayor the appointment of Timothy Cusick to the Ambulance Advisory Board.

Councilor Rees seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous with Councilor Ault out of the room.

9. Request Permission from City Council to Apply for an Assistance to Fire Fighters Grant

The Fire Chief is requesting approval to apply for the 2020 Assistance to Firefighters Grant to replace Engine 2. Engine 2 is a 1992 Pierce pumper that carries 1000 gallons of water. The truck is 28 years old, (life expectancy of fire apparatus is 20-25 years) and the Chief would like to replace it with a pumper that carries 1500 gallons of water to increase our initial operational water supply. We applied for this grant last year but unfortunately, the city was denied due to the level of competition.

Chief Nelson asked Council to approve an amount of \$200,000 match for the grant (as was approved in a previous year); a new pumper/tanker would cost approx. \$650,000.

City Manager Landes commented that last year's budget did include a payment one of six years for financing of \$39,404.00, which did not happen.

Mayor Hart asked if any other debt is coming off this Department.

Chief Nelson replied that the Ladder one debt comes off in 2025 or 2026. Engine one debt should come off in three years.

Councilor Berry asked which budget cycle would this start in.

Chief Nelson replied that the grant closes next week. They will start awarding in September, and it takes a year to build a truck, so we would not have to make a payment until probably FY22.

Councilor Berry asked if any of this amount could come from a TIF District.

EDD Desjardins replied that it could prorate from the Central Maine Crossing TIF District as apparatus.

Councilor Cusick moved to support the application of an Assistance to Fire Fighters Grant. Councilor Frey seconded.

Councilor Ault will abstain as he was not present for the entire discussion.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous with Councilor Ault abstained.

10. Accept Minutes of February 5, 2020 and February 19, 2020

Councilor Rines moved to approve the minutes of February 5, 2020 and February 19, 2020 as presented.

Councilor Cusick seconded.

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

● CITY MANAGER REPORT

- Assistant Library Director, Scott Hanville will be retiring on June 30 after 39 years of service.
- Library Director, Anne Davis will be retiring in October.
- Public Works Director Tony LaPlante has given his resignation to be effective March 20, 2020. Thanks to Tony and wish him good luck. We are accepting applications for his replacement and will start the interview process after March 16.

- Voting results: 1,653 voters at yesterday's Election with equals approximately a 36.35% of registered voter turnout.

- **CITY COUNCIL REPORT**

Councilor Ault

- Thanked Kelly for the way the election ran yesterday. He spent a couple hours there in the evening passing out flyers for the Democratic Caucus.
- If you are a registered Democrat, there is a Democratic Caucus at the High School. Doors open at 1:30pm and the meeting starts at 2:30pm, which includes Gardiner, Pittston and Randolph.
- Terry Mansir from Christ Church asked the Council to volunteer to help run the supper on May 10, 2020.
City Manager Landes if you are volunteering please do not socialize with each other or conduct City business as you are volunteering.
- Congratulated Anne Davis on her upcoming retirement and she will be missed.

Councilor Cusick

- Thanked Kelly for the great job during the Election.
- Best wishes to Tony on his new adventure.
- Thanked Anne for her service.
- Kudos to the Fire Department and Ambulance who made the City proud.

Councilor Berry

- Ditto to everything said.
- Congratulations to Anne.
- Congrats to Scott Hanville as well.
- Best wishes to Tony.
- Thanks to Kelly for the Election.

Councilor Rees

- Ditto
- Not saying goodbye to Anne yet because October is still a ways away.

Councilor Frey

- Ditto
- Congrats to Anne.
- Sad to see Tony go. Hopefully we can get that position filled soon.
- I was impressed with how the Election was running.

Councilor Frey

- Here here.
- Anne will be greatly missed.
- Tony will be missed.
- Thanks Kelly for the excellent election.

Mayor Hart

- Here here
- Kudos to the Rescue Service for the rescue performed on the newborn.
- We will miss Anne and Tony



CITY COUNCIL MEETING MINUTES
WEDNESDAY, MARCH 04, 2020
6:00 PM

- EXECUTIVE SESSION

None

- ADJOURN

Councilor Ault moved to adjourn.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 7:38pm.

This document is in draft form and will be reviewed and possibly approved during the March 25, 2020 City Council Meeting.

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; Tim Cusick, At large; Amy Rees, District 2; Marc Rines, District 4; Maryann White, At large
Absent: Jon Ault, At large;

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Economic Development Director, Tracey Desjardins; City Librarian; Anne Davis, Waste Water Director; Doug Clark, Code Enforcement Officer, Kris McNeill; Police Chief, James Toman; Fire Chief, Al Nelson; Public Works Director, Tony LaPlante; State Representative, Thomas Harnett

2. NEW BUSINESS

1. Discussion of City Response Surrounding Gardiner's COVID-19 Protocol in Response to National Emergency

Each Department Head gave a brief overview of how they are preparing and responding to the COVID-19 outbreak.

- a) Fire Chief Al Nelson
- b) City Manager Christine Landes
- c) Police Chief James Toman
- d) Finance & Human Resource Director Denise Brown
- e) Library Director Anne Davis
- f) Sewer Superintendent Douglas Clark
- g) Economic Development Director Tracey Desjardins
- h) Public Works Director Tony LaPlante

2. Approve Library Closure in Response to COVID-19

Councilor Berry moved to approve an immediate closure of the Gardiner Public Library until April 30, 2020 and waive all late fines.

Councilor White seconded.

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

3. Approve City Hall Closure in Response to COVID-19

Councilor White moved to approve a closure of the Gardiner City Hall to the public for 14 days absorb the Informe fees during that timeframe.

Councilor Frey seconded.

After discussion among the room, Councilor Frey withdrew his second and Councilor White amended the original motion.

Councilor White moved to approve the closure of Gardiner City Hall to the public effective Tuesday March 17, 2020 for fourteen days.

Councilor Frey seconded.

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

4. Authorize decision making to the City Manager in Response to COVID-19

Councilor Rees moved to give the City Manager the authority to make decisions that would normally go in front of the City Council, when the City Manager consults with the Mayor for the next fourteen days.

Councilor Cusick seconded.

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

5. Approve the Closure of all City Buildings in Response to COVID-19

Councilor Rees moved to close all City buildings to the public unless by special approval for the next fourteen days.

Councilor Cusick seconded.

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

6. Adopt City Manager's COVID-19 Announcement

Councilor Berry moved to adopt the attached announcement from the City Manager regarding COVID-19 procedures and protocols.

Councilor White seconded.

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

7. Announcement by Maine State Representative, Thomas Harnett in Response to COVID-19

Maine State Representative, Thomas Harnett gave a brief update from the State House.

City Manager Landes asked Representative Harnett to speak about some proposed bills going to the legislature.

Rep Harnett responded that last year he allocated for remote participation, which was defeated.

We are trying again to get it passed through the legislature. There is a lot more work to be done. I will be back with more updates.

3. Other Business in Response to COVID-19

1. Staying on Top of Community Needs

Councilor Rees suggested creating/joining a Facebook group.

City Manager Landes replied that there is already a Facebook group regarding the COVID-19 and can send an invite to everyone to join the group.

2. Stay Informed

Mayor Hart commented that we can have phone meetings, website and social media updates. Councilor Rees stated people need to stay calm, don't panic, pay attention and take this virus serious.

Councilor White here here.

3. ADJOURN

Councilor Cusick moved to adjourn.

Councilor Berry seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:18pm.

This document is in draft form and will be reviewed and possibly approved during the March 25, 2020 City Council Meeting.