



GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET



Meeting Date	04/08/2020	Department	City Council
Agenda Item	4.g Approve Minutes of March 25, 2020		
Est. Cost	n/a		

Background Information	Attached are the minutes from the March 25, 2020.
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Requested Action	'I move to approve the minutes of March 25, 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 6:04pm.

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; Jon Ault, At large;

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Economic Development Director, Tracey Desjardins; City Librarian; Anne Davis, Police Chief, James Toman; Fire Chief, Al Nelson; Debby Willis, Brad Truman

2. PUBLIC COMMENT (anything not on the Agenda)

Fire Chief Nelson gave a brief COVID-19 update.

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 Marijuana Establishment Licensing Ordinance

This is a Public Hearing on a proposed Marijuana Establishment Licensing Ordinance. The proposed ordinance addresses the licensing of all adult use and medical marijuana establishments in the City. 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 6:18pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:18pm.

b) Public Hearing on Community Enterprise Grant Application

In January the city submitted a Letter of Intent for the 2020 Community Enterprise Program in the amount of \$100,000. This grant has a 25% match, however the match will come from the businesses receiving the facade grant. After the Office of Community Development reviewed the Letter of Intent the city received notification for approval to submit a full application. This grant submission is by invitation only and has a deadline of April 10, 2020. As part of the grant application process, the city must hold a public hearing to discuss the application and any comments Council and/or the public may have. Approval for application of this grant is listed under agenda item 4.4.

Mayor Hart opened the public hearing at 6:18pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:18pm.

- c) Public Hearing on Proposed Amendments to the Land Use Code for Small-Scale Alcoholic Beverage Production and Sales

The proposed amendments to the Land Use Code specifically provide for businesses that produce and serve various types of alcoholic beverages. This is often a hybrid of a production/manufacturing use and retail use.

1. The state licenses small breweries, small wineries, and small distilleries with limits on the volume of beverages that each can produce.
2. Similarly the state has various categories of restaurant licenses.
3. However there is no ready-made state category that addresses all of these types of activities. The Ordinance Review Committee and the Planning Board recommend that the City create a use that incorporates the various types of small-scale alcohol beverage producers and allows the sale and consumption of produced beverages on the premises and permits them in appropriate locations.

Mayor Hart opened the public hearing at 6:19pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:19pm.

4. NEW BUSINESS

1. Ratify City of Gardiner's Mayor Declaration of Emergency

Due to the recent break-out of COVID-19 the Mayor of Gardiner proclaimed a state of emergency with the City of Gardiner. This proclamation will allow the activation of emergency plans for the city and allow any deployment and use of forces or resources that apply. This proclamation will also allow the Police Chief and his department to direct and compel the population from any threatened area if action is necessary for the preservation of life, response, or recovery. The City Council granted the Mayor this authority on March 16, 2020.

Councilor Rees moved to ratify the Mayor's Declaration of Emergency that was implemented on March 19, 2020.

Councilor Berry seconded.

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

2. Second Read and Possible Approval of Marijuana Establishment Licensing Ordinance/Emergency Adoption

This agenda item is a second read and possible approval with an emergency adoption on a proposed Marijuana Establishment Licensing Ordinance. The proposed ordinance addresses the licensing of all adult use and medical marijuana establishments in the City. 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. The City Charter allows an emergency adoption of an ordinance under Article II Section 7 Procedure: 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. An emergency adoption is necessary to keep in line with the other marijuana license implementation dates.

Councilor Berry moved to adopt the Marijuana Establishment Licensing Ordinance with an Emergency Adoption as allowed by the City Charter Article II Section 7 Procedure, and to waive publication of the ordinance in the newspaper as allowed by City Charter Article II, Section 9. Councilor Ault seconded.

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

3. First Read of Proposed Amendments to the Land Use Code for Small-Scale Alcoholic Beverage Production and Sales

The proposed amendments to the Land Use Code specifically provide for businesses that produce and serve various types of alcoholic beverages. This is often a hybrid of a production/manufacturing use and retail use.

1. The state licenses small breweries, small wineries, and small distilleries with limits on the volume of beverages that each can produce.
2. Similarly the state has various categories of restaurant licenses.
3. However there is no ready-made state category that addresses all of these types of activities. The Ordinance Review Committee and the Planning Board recommend that the City create a use that incorporates the various types of small-scale alcohol beverage producers and allows the sale and consumption of produced beverages on the premises and permits them in appropriate locations.

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

Councilor Berry asked if there would be a definition of what ‘small’ means.

Chair Willis replied that there is not. It is regulated by the State based on how it is licensed.

Councilor Cusick moved to send the proposed amendments to the Land Use Code for Small-Scale Alcoholic Beverage Production and Sales to a second read on April 8, 2020.

Councilor White seconded.

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

4. Consider Request from Economic Development Director Tracey Desjardins to Apply for the Community Enterprise Grant

In January, the city submitted a Letter of Intent for the 2020 Community Enterprise Program in the amount of \$100,000. This grant has a 25% match; however, the match will come from the businesses receiving the facade grant. After the Office of Community Development reviewed the

Letter of Intent the city received notification for approval to submit a full application. This grant submission is by invitation only and has a deadline of April 10, 2020. As part of the grant application process, the city must hold a public hearing to discuss the application and any comments Council and/or the public may have (completed under item 3.b).

Economic Development Director gave a brief summary of the grant.

Councilor Berry moved to allow the City of Gardiner to apply for a Community Enterprise Grant with the required 25% match coming from the businesses receiving the facade grant.

Councilor Ault seconded.

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

5. Consider Approval of a Major Special Event for the Memorial Day Parade Ceremony

The Smith-Wiley American Legion has submitted an application for the annual Memorial Day Parade and Ceremony to be held on Monday, May 25, 2020 at 10am.

Councilor Cusick moved to approve the Major Special Event for the Smith Wiley American Legion to be held on Monday, May 25, 2020 and waive the anticipated city costs to hold the event.

Councilor White seconded.

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

6. Consider Approval of a Roving/On-Wheels/Food Truck License for Backyard Dogs and Catering

Backyard Dogs and Catering, a mobile hot dog cart that also sells drinks and other food items, has applied for a roving/on-wheels/lunch wagon license. Tracey Desjardins, EDD, met with him and provided him with a draft of the new food truck ordinance that will be going to council.

Councilor Rees moved to approve the Roving/On-wheels/Food Truck License for Backyard Dogs and Catering.

Councilor Ault seconded.

Chair Willis gave a brief update on the proposed food truck ordinance.

Councilor Ault asked about the fee amount paid by the applicant.

City Manager Landes explained that a \$50.00 fee was paid in 2017 for a license, but was never granted due to an error. As a result, City Manager Landes agreed to consider the previous amount paid as part of the current \$100.00 fee.

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

7. NIXL Update from Chief Toman

With the recent COVID-19 situation, and other snowplowing alerts being sent out, it came to the city's attention that the current NIXL account we have is a 'free' account that only sends emails to

those that have signed up for the alerts. There is a NIXL program that also allows text messages to be sent out, but that program comes with a premium price.

Chief Toman explained the different NIXL programs available and the costs associated with such. For the premium package, the cost would be \$4,500 per year.

Councilor Rines asked if there are two fees per year or a one-time setup fee and then a yearly fee. Chief Toman replied that there is a one-time setup fee plus a yearly cost.

Councilor White asked how we could better advertise to get people to sign up since there are only about 200 people currently signed up for NIXL.

Chief Toman responded that we currently use word of mouth, Annual Report, City website, social media and a yearly mailing along with the Tax bill. We are open to suggestions.

Councilor Rees how frequently are notifications sent out on NIXL.

Chief Toman responded that it depends on what is going on. There may be times when we send out once a month and other times it could be several times a month.

Councilor Rees suggested that a notice to people explaining that this is an infrequent notification service might help people sign up since many people do not like getting many notifications.

Councilor Berry agrees with Chief Toman in that it is working now and we should not change it.

Mayor Hart asked the Council to consider changing it, as some people do not check their email.

Chief Toman commented that if we change it, there would be more options to receive notifications like email or text. More people would likely sign up with other choices available.

Councilor Cusick asked what Chief Toman would recommend.

Chief Toman responded that he would act on the advice of the Council.

Councilor Rees stated that it is important to communicate to the widest option available for the City. Cell phones should be included in the notifications.

Mayor Hart stated that we should get more information before making a decision.

Council agreed.

8. Consider Further Closure of City Buildings Beyond March 31, 2020 (if needed)

At the emergency City Council meeting held on March 16, 2020 the following was moved and approved by the City Council: 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. (Ending on March 31, 2020). Councilor Cusick seconded. Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. This agenda item is strictly for discussion purposes to inform the City Council that the City Manager may consider further closure of non-essential city services as a way to further avoid the spread of COVID-19.

Mayor Hart stated that Dan Robideau from Buildings & Grounds asked about closing the dog park. Councilor Rees constructed a sign to place at the dog park explaining the risks and how to help prevent the spread of germs.

Councilor Cusick commented that it is still important for people to still get out while still observing the social distancing rule and sanitize behind themselves.

Councilor Rees stated that when she went to place the sign, there were a couple people there. She explained why she was there and they were relieved that we were not closing the dog park.

Councilor White asked Councilor Rees what the sign says.

Councilor Rees replied that across the top it says caution, because of the COVID-19 we ask that you do the following things, keep six feet between you and other people, don't touch your face, wash your hands for at least 20 seconds with soap and water, use hand sanitizer when you leave the park, by using the guidelines we will be able to keep the park open, thank you, the City of Gardiner. There is one at both entrances.

Chief Toman stated that he would like to try to keep the parks open with the exception of the playground equipment so people can still walk.

Mayor Hart commented that at this time, we will follow the Governors guidance.

Council agreed.

9. Accept Meeting Minutes from March 4, 2020 and March 16, 2020

Councilor Cusick moved to accept the minutes of March 4, 2020 and March 16, 2020 as presented.

Councilor White seconded.

Councilor White noted that the March 4, 2020 meeting: Council updates has Councilor Frey listed twice and the second one should be Councilor Rines.

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

5. CITY MANAGER REPORT

- We have been meeting daily to discuss updates related to COVID-19
- Department Head monthly reports will be coming soon
- Employees are adjusting as well as to be expected.

6. CITY COUNCIL REPORT

Councilor Rines

- Everything seems to be fine in South Gardiner
- River Road Variety still open
- Wishing everyone well, stay home and stay well

Councilor Frey

- Thank you to everyone working on behalf of the City
- Gardiner has done an excellent job navigating this challenging time

Councilor Rees

- Here Here
- Please offer to help your elderly neighbors

Councilor Berry

- Here Here
- Pray this ends soon

Councilor White

- Here Here

- Thanks to Mayor Hart for all the Facebook live updates including Chief Toman and Chief Nelson

- To the citizens: please reach out to us if you need anything

Councilor Cusick

- Thanks to City Staff especially those on the front line

Councilor Ault

- Stay safe
- Thanks to Mayor Hart and the City Staff

Mayor Hart

- It is great to see the lunch bus in the parking lot each day with so many in the community working to help the children.
- I am in a group called Boots on the Ground that is helping the community. If anyone would like to join, please let me know and we can add you to the Zoom meetings.
- Gardiner Main Street is working with the Augusta Main Street and Hallowell to help the smaller businesses.
- The State has setup a 211 helpline years ago and is currently focusing on the COVID-19 with information for the public.

City Manager Landes stated that EDD Tracey Desjardins has posted links with the information on the City website, Twitter and Facebook.

7. EXECUTIVE SESSION

None

8. ADJOURN

Councilor Berry moved to adjourn.

Councilor Rines seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 7:31pm.

This document is in draft form and will be reviewed and possibly approved during the April 08, 2020 City Council Meeting.