



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	10/28/2020	Department	City Council
Agenda Item	4.I Review and Accept Minutes from September 16th, September 23rd, and October 14, 2020		
Est. Cost	n/a		

Background Information

Attached are the minutes from September 16th, September 23rd, and October 14, 2020.

Requested Action	'I move to approve the minutes of September 16, September 23, and October 14, 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 6:02 pm.

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: Christine Landes, City Manager; City Clerk, Alisha Ballard; Debby Willis. Rick Sieberg, Interim Fire Chief; Officer, Sam Quintana; Tobacco Prevention Coordinator, April Hughes

2. PUBLIC COMMENT (anything not on the Agenda) (ALL PUBLIC COMMENT MUST BE SENT VIA EMAIL TO CLANDES@GARDINERMAINE.COM, REGULAR MAIL: 6 CHURCH STREET GARDINER ME 04345 OR CALL 207-582-4200 DURING REGULAR BUSINESS HOURS)

None

3. PETITIONS/PUBLIC HEARINGS

a) Proposed Amendments to the City Code: Title 17 Chapter 5 Property Maintenance

Mayor Hart opened the public hearing at 6:05 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:06 pm.

b) Proposed Amendments to the Land Use Code: Multifamily Density for the Shoreland (SL) District

Mayor Hart opened the public hearing at 6:06pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:06 pm.

c) Proposed Amendments to the General Assistance Ordinance

Mayor Hart opened the public hearing at 6:06pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:07 pm.

d) Proposed Moratorium: Adult Use Retail Marijuana and Medical Use Retail Marijuana

Mayor Hart opened the public hearing at 6:07pm and asked for any comments from the public. Alex McMahan from MEDCo spoke briefly. Debby Willis spoke briefly. Councilor White received a letter from Sarah, Manager Landes read the letter aloud. Mayor Hart closed the public hearing at 6:16pm.

e) Medical Retail Marijuana/Dispensary: The Bud Bar

Mayor Hart opened the public hearing at 6:16 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:16 pm.

f) Retail Adult Use Marijuana Establishment: Sugar Bud Farms

Mayor Hart opened the public hearing at 6:16 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:17 pm.

4. NEW BUSINESS

- a) Presentation from Healthy Maine Communities Tobacco Prevention Coordinator April Hughes/Gardiner Police Officer Quintano - Regarding Alcohol and Marijuana Effects

Officer Quintana and April Hughes gave a presentation. Councilor Berry asked Officer Quintana and April if the numbers have gone up. Patricia Welton spoke briefly and did not have the numbers but was willing to provide them. Councilor Berry asked a more of a general question about numbers. Patricia explained studies are done every other year. Mayor Hart asked April to speak more about vaping. April spoke briefly. Councilor White thanked Officer Quintana and April for their information and time. Mayor Hart thanked them for being a part of the meeting.

- b) Accept Grant from Coastal Communities for Downtown Master Plan

Manager Landes spoke briefly.

Councilor Cusick moved to accept the Coastal Communities Grant in the amount of \$33,750, to work on the completion of a new Downtown Master Plan.

Councilor Frey seconded.

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

- c) Discussion Surrounding Speed Limit Set for Marston Road

Manager Landes spoke briefly. Jennifer and Ward Boudreau spoke about speeding on their road and the concerns.

Chief Toman spoke briefly about traffic safety.

Mayor Hart asked about cost and Manager Landes advised that DOT would cover the cost.

Mike Blanche asked to speak about the concerns on dropping the speed limit.

Councilor Cusick moved to allow the City Manager to request from the Maine Department of Transportation a speed analysis on Marston Road.

Councilor White seconded.

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

- d) Discussion Surrounding Small Burns/Campfires in the HDR District

Councilor Frey spoke about campfire concerns.

Interim Fire Chief Rick Sieberg spoke about the complaints and they are mostly neighbor dispute.

Chief Toman spoke briefly they support the fire staff when needed.

Manager Landes spoke about how City of Rockland is struggling with this as well.

Councilor Frey spoke briefly how he was interested in sending this to ordinance review. Chair Willis said to send this to them at the Ordinance Committee.

Councilor Rees asked Councilor Frey if this was from one complaint.

- e) First Read of Proposed Amendments to the City Code: Title 17 Chapter 5 Property Maintenance

Chair Willis spoke briefly about the city code.

Councilor Berry asked how are they are going to be more restrictive than at a state level.

Manager Landes explained this would be for homeowners as well for property owners.

Chair Willis explained this Proposed Amendment would give the Code Enforcement officer more enforcement.
Councilor Berry asked about the cost. Chair Willis explained it would be a fee of \$25 dollars daily.
Chair Willis stated this is about the safe and sanitary conditions.
Councilor Rees expressed concern about the financial standpoint.
Councilor White spoke about her situation with her neighbor. The cost to her alone was about \$2000 dollars to get rid of the rats.

Moved to second read on October 14th.

Mayor Hart called a break at 7:21 pm.
Meeting back in session at 7:28 pm.

- f) First Read of Proposed Amendments to the Land Use Code: Multifamily Density for the Shoreland (SL) District

Chair Willis spoke briefly about the proposed Amendments.

Moved to second read on October 14th.

- g) Consider Approval of the Proposed Amendments to the General Assistance Ordinance

Manager Landes spoke briefly about the Proposed Amendments.
Mayor Hart asked the cost to the City.
Manager Landes explained the cost to the City.
Councilor Berry asked if the request for assistance is high due to COVID.
Manager Landes did not have the answer but did state GA has been very busy.

Councilor Rees move to approve the proposed amendments to the General Assistance Ordinance as presented and posted.

Councilor Berry seconded.

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

- h) First Read of Proposed Moratorium: Adult Use Retail Marijuana and Medical Use Retail Marijuana

Moved to second read on October 14th.

Councilor Berry said he is removing himself from this due to conflict.
Councilor Rees received a letter from Robert Abby, he is not in favor and strongly believes it is not supporting a family friendly downtown.

- i) Findings of Fact and Consider Approval of Medical Retail Marijuana/Dispensary: The Bud Bar

Councilor Cusick move to approve the Medical Retail Marijuana/Dispensary License for The Bud Bar as all approval standards have been met as noted in City of Gardiner Code Chapter 11, Section 5.2 for a term of 1 year with a condition they remain licensed.

Councilor Frey seconded.

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

- j) Findings of Fact and Consider Approval of Retail Adult Use Marijuana Establishment: Sugar Bud Farms

Councilor Cusick move to approve the Retail Adult Use Establishment License for Sugar Bud Farms as all approval standards have been met as noted in City of Gardiner Code Chapter 11, Section 5.2 for a term of 1 year with the condition they remain licensed.

Councilor Rees seconded.

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

- k) Consider Request from Backyard Dogs Catering Hot Dog Cart/Use of Common and Waterfront Park

Manager Landes spoke briefly.

Mayor Hart expressed concern about the hours and would like to limit them due to the community.

Councilor Ault joined 8:02 pm

Councilor White move to allow Backyard Dogs Catering to place a mobile hot dog cart on the Common as long as all site requirements are adhered to and meet all the terms of the condition of the hours being 7am to 7pm.

Councilor Berry seconded.

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

- l) Project Quote for City Hall Repair/Informational

Manager Landes spoke briefly about this matter. Steve Magee came and provided a quote of approximately \$62,500 with an additional \$4,000 to relocate the generator.

Councilor Berry asked if there is a TIF budget to take from.

Councilor Cusick spoke about looking into the future and putting a plan together.

Councilor Rees is supportive and spoke briefly.

Councilor Ault is supportive and spoke briefly.

City Manager Landes will put together a financial break down and will be revisited in the October meeting.

- m) Review and Accept Meeting Minutes from August 26, 2020 & September 2, 2020

Mayor Hart asked for the letterhead and meeting date be placed at the top of the page of the Executive meeting minutes.

Councilor White move to approve the minutes of August 26, 2020 and September 02, 2020 as presented with a small change with putting the letter head on the front page.

Councilor Cusick seconded.

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

5. CITY MANAGER REPORT

- Lrep \$5,000 below than budgeted in the current year budget but the workers comp rate is \$17,000 savings.
- Excise collection was down \$21,000 in fiscal year 20 compared to year 19. As of today are up to \$15,000. It will be above this year.
- Monday night about 30-34 people show up to the Gardiner Grows held at Bateau Brewing.

- We learned that Monday Bridge project shut down for 30 days starting October 21st.
- Peek behind Reny's, Public works has been preparing the area for paving and it looks amazing.
- This afternoon City Manager Landes, PWD Douglas, Buildings and Grounds Supervisor Dan Robideau met with business owners down to McKay park. Received a \$25,000 grant to upgrade the park however in the spring there was granite removed. Made a plan to stabilize the area to get through to spring. They will start this week.
- Received a phone call from Patrick Adams to extend the path price has changed from \$60,000 to \$300,000 for 200 feet. This project has come to a halt. Mayor Hart asked for the drive for the cost.

6. CITY COUNCIL REPORT

Councilor Rines

- Thanks to Police Chief Toman for his quick response on the complaint for speeding. Kudos to Manager Landes facilitating and being a big part.

Councilor Frey

- None

Councilor Rees

- None

Councilor Berry

- Looks good they are working on Johnson hall. Inspiring.
- Very Big Bridge they are building. Maine Ave Bridge looks great.
- Question to Manager Lanes, can we apply again for a Façade grant. Manger Landes will discuss this with EDD Desjardins and get back with more information. Thoughts and prays go out to Farmington.

Councilor White

- Fall Clean up reminder starts October 5th.

Councilor Cusick

- Great to see a good crowd at Gardiner grows.
- Thank you to Manager Landes for the cleanup at Libby Hill.
- Question to Manager Landes about the Fire Chief position. Manager Landes said Friday is the dead line to apply for this position and as of today we have 6 applicants.

Councilor Ault

- Concluded a public meeting with the Co-Op. Good things are happening stop in and see why.

Mayor Hart

- Great to see everyone together at the Gardiner Grows it was nice to see all the business gather. Great collaboration.
- Community conversations is having a meeting Sunday at 6pm via zoom.

Councilor White asked if the Executive Meeting 9/23/2020 would be in person or via zoom.

Mayor Hart asked the Council if they would like to meet in person or stay via zoom. Council decided to stay via zoom.

Mayor Hart asked to change the meeting to 6:30 pm. All agreed.

Councilor Rines wanted to wish everyone a great week and wonderful happy weekend.

7. ADJOURN

Councilor Berry moved to adjourn.

Councilor White seconded.

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

This document is in draft form and will be reviewed and possibly approved during the October 28, 2020 City Council Meeting.

Respectfully submitted and attested on 10/18/2020 by,

Alisha Ballard,
Gardiner City Clerk

Meeting called to order at 6:30pm

Roll Call: any absent? None.

- **Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review**

Councilor Rees moved to enter into executive session Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review.

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:14 pm.

Councilor Berry moved to exit out of executive session Pursuant to M.R.S.A. § 405(6)(A): City Manager Annual Review

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:19 pm.

No Action Taken.

- **ADJOURN**

Councilor Berry moved to adjourn

Councilor Frey seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:28 pm.

Mayor Hart called the meeting to order at 6:12 pm.

1. ROLL CALL & PLEDGE OF ALLEGIANCE

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

Terry Berry, District 1 had difficulty logging into zoom.

Also in attendance: Christine Landes, City Manager; Alisha Ballard, City Clerk; Jerry Douglass, Public Works Director; Debby Willis, Planning Board Chair; Tracey Desjardins, Economic Development Director; Kris McNeil, Code Enforcement Officer; Patrick Adams; Doug Clark, Wastewater Director.

2. PUBLIC COMMENT (anything not on the Agenda) (ALL PUBLIC COMMENT MUST BE SENT VIA EMAIL TO CLANDES@GARDINERMAINE.COM, REGULAR MAIL: 6 CHURCH STREET GARDINER ME 04345 OR CALL 207-582-4200 DURING REGULAR BUSINESS HOURS)

None

3. PETITIONS/PUBLIC HEARINGS

a) Proposed Amendments to the City Code: Title 17 Chapter 5 Property Maintenance

Chair Willis spoke briefly.

Mayor Hart opened the public hearing at 6:16 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:18 pm.

b) Proposed Amendments to the Land Use Code: Multifamily Density for the Shoreland (SL) District

Chair Willis spoke briefly.

Councilor Berry joined 6:20 pm

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 6:21 pm.

c) Proposed Moratorium: Adult Use Retail Marijuana and Medical Use Retail Marijuana

Chair Willis spoke briefly.

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

Alex McMahan and Joe Couture spoke briefly about adult use and shared Lewiston's wording within their land use code; City Manager Landes read aloud a letter from Carrie Arsenault; Ed DuGay spoke briefly.

Mayor Hart closed the public hearing at 6:36 pm.

d) Community Development Block Grant Funds/McKay Park

EDD Tracey Desjardins spoke briefly about the Block Grant.

Mayor Hart opened the public hearing at 6:36pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:37pm.

- e) Renewal of Liquor License/Expansion: Brandi's Pub DBA The Blind Pig Tavern

Mayor Hart opened the public hearing at 6:37 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:38 pm.

- f) Medical Retail Marijuana/Dispensary/Retail Adult Use Marijuana Establishment: The Healing Community MEDCo LLC

Mayor Hart opened the public hearing at 6:38 pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:39 pm.

- g) Retail Adult Use Marijuana Establishment: Gardiner 4twenty

Mayor Hart opened the public hearing at 6:39 pm and asked for any comments from the public.
Ed DuGay raised his hand to speak about his letter that he had sent in. Mayor Hart said he would be able to speak on this matter during finding and facts.
Mayor Hart closed the public hearing at 6:40 pm.

4. NEW BUSINESS

- a) Introduction of New Team Members: Jerry Douglass, Public Works Director; Kaleb Marston, Gardiner Police Officer; Robert Pekins, Gardiner Police Safety Officer; Brianna Theriault, Front Counter Clerk; Andrew Williams, Gardiner Fire Department; Damon Ross, Gardiner Fire Department; Ariel Kinchen, Buildings and Grounds

Public Works Director Jerry Douglass introduced himself.
Mayor Hart Welcomed Jerry to the team. City Manager Landes stated the other new team members Bio's are in the packet for them to review and to stop by to say hello.

- b) Discussion with Patrick Adams, Active Regional Transportation Planner at Maine Department of Transportation Regarding the Cobbossee Trail Project

Patrick Adams, Active Regional Transportation Planner at MeDOT Regarding the Cobbossee Trail Project will be present to discuss the cost increases for the project.

Patrick Adams gave a presentation on the Cobbossee Trail Projects Summary.
Mayor Hart asked Patrick about the changes in the bid packages. Patrick explained the right away for MaineDOT. Mayor Hart asked why this was information left out. Patrick explained that was going to be part of Phase II. Mayor Hart defers to other Councilors about being notified. Patrick spoke and said it was not in the original paperwork and was going to do a bid.
Patrick went on to explain the drive for the cost increase for the project. Patrick states that if the City of Gardiner was to put this out to bid they may receive a better estimate than MaineDOT would receive.
Patrick finished his presentation.

Councilor Rees asked Patrick asked if we were to delay the project a couple of years does he think the cost would go down. Patrick does not have the answer but thinks the prices will go up and not down.
Councilor Cusick spoke about the bid price and they do not want to do the job. He went on to say that, we could look into Public Works doing or back out to bid. Patrick said that federal dollars are involved.
Councilor Berry wanted to clarify about the Trail length and the budget. Patrick explained more into depth.

Moved to push discussion to October 28 meeting.

Mayor Hart called a 5-minute break started 7:43pm
Mayor Hart called meeting back at 7:49pm

- c)** Second Read and Possible Approval of Proposed Amendments to the City Code: Title 17
Chapter 5 Property Maintenance

As the city's Comprehensive Plan was prepared, there was a lot of discussion regarding the need to give the City an avenue to work with property owners on property maintenance. The Comprehensive Plan recommended that the City adopt such an ordinance.

Councilor Cusick I move to adopt the proposed amendments to the City Code: Title 17 Chapter 5 Property Maintenance and to waive publication of the ordinance in the newspaper as allowed by City Charter Article II, Section 9.
Councilor White Seconded.

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

- d)** Second Read and Possible Approval of Proposed Amendments to the Land Use Code:
Multifamily Density for the Shoreland (SL) District

The Table of Land Use allows multifamily housing in the Shoreland District but in the Dimensional Table there is no multifamily density requirement just an 'n/a'. If this is an allowed use then there needs to be a density requirement. The Ordinance Review Committee proposed inserting a requirement of 60,000 sq. ft. per dwelling unit.

Councilor Ault I moved to adopt the proposed amendment to the Land Use Code: Multifamily Density for the Shoreland (SL) District and to waive publication of the ordinance in the newspaper as allowed by City Charter Article II, Section 9.
Councilor Cusick Seconded.

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

- e)** Second Read and Possible Approval of a Moratorium: Adult Use Retail Marijuana and Medical Use Retail Marijuana

Implementation of this moratorium will allow in the Ordinance Review Committee a chance to review the currently adopted ordinance.

It is recommended that a moratorium ordinance should not be applied to a date earlier than when it was proposed (in this case 9/2/2020). As with all moratoriums that are enacted, they will be in place for 180 days, unless repealed by the legislative body (Council), and may be extended an additional 180 days by the Council, if sufficient progress on addressing the concerns of these establishments as it applies to the Ordinance are not met.

Councilor Rees moved to adopt the moratorium ordinance on Adult Use and Medical Use Retail Marijuana and 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.

Councilor Berry asked if the Moratorium had to do with testing production. Mayor Hart explained it is on retail.

Councilor Ault said the feedback from the community was significant and should be put back for further review and the process worked very well. More information is always better.

Here Here from Mayor Hart and Councilor White.
Mayor Hart went back to review the information from the committee.

All those in favor. Unanimous.

f) Consider Acceptance of CDBG Funds/McKay Park

The City of Gardiner has received a Community Enterprise Grant through the Office of Community Development in the amount of \$25,000. This grant is earmarked for McKay Park.

As part of Phase II of the grant, City Council through a public hearing process must accept the grant funds.

The city is responsible for a 25% match that will include in-kind services to meet this requirement.

Councilor Ault moved to accept the CDBG Funds in the amount of \$25,000, earmarked for McKay Park. Councilor Frey Seconded.

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

g) Consider Approval of a Liquor License Renewal/Expansion: Brandi's Pub DBA The Blind Pig Tavern

This agenda item is the consideration to possibly approve a liquor license renewal/expansion for Brandi's Pub DBA The Blind Pig Tavern.

Councilor Cusick moved to approve the liquor license renewal/expansion for Brandi's Pub DBA The Blind Pig Tavern.

Councilor Berry Seconded.

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

h) Findings of Fact and Consider Approval of Medical Retail Marijuana/Dispensary/Retail Adult Use Marijuana Establishment: The Healing Community MEDCo LLC

The Land Use Code Addresses Marijuana Establishments:

It states-

10.28.5 An applicant that has received a conditional license from the State of Maine for a marijuana establishment may apply for City approval of that category of establishment. Any approval or license based upon a conditional state license shall be conditioned on the applicant receiving an active license from the state within one hundred eighty (180) days of the date of the City's approval. If the applicant fails to obtain an active license within that period, all City approvals, licenses and permits are void.

The Healing Community MEDCo LLC, owned by Joseph Couture and located at 189 Water Street, has been granted a state caregiver license that expires 12/26/2020. This business has received approval from the Planning Board.

The licensee acknowledges and affirms all information is true and complete and then will require local authorization. As part of the Marijuana Business License Application for the City of Gardiner, approvals must be given by Code Enforcement, Economic Development, City Manager, Gardiner Fire Department, Gardiner Police Department, Public Works, and City Council.

The City Council shall make findings of facts as to the application's conformance with the standards of approval. The Council may grant a conditional approval of a license for a period of less than one year.

Councilor Cusick moved to approve the Medical Retail Marijuana/Dispensary/Retail Adult Use Establishment license for MEDCo. LLC., as all approval standards have been met as noted in City of Gardiner Code Chapter 11, Section 5.2 for a term of one year so long as a valid caregiver's state license is maintained.

Councilor Ault Seconded.

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

- i) Findings of Fact and Consider Approval of Retail Adult Use Marijuana Establishment: Gardiner 4twenty

The Land Use Code Addresses Marijuana Establishments:

It states-

10.28.5 An applicant that has received a conditional license from the State of Maine for a marijuana establishment may apply for City approval of that category of establishment. Any approval or license based upon a conditional state license shall be conditioned on the applicant receiving an active license from the state within one hundred eighty (180) days of the date of the City's approval. If the applicant fails to obtain an active license within that period, all City approvals, licenses and permits are void.

Gardiner 4twenty, owned by Edward R. Dugay and located at 243 Water Street, has been granted a Maine Adult Use Marijuana Program ID Card, however, his caregiver's license expired 05/13/2020. Mr. Dugay is also requesting that he be allowed to submit a request for the City Councils consideration to allow both a Medical Caregiver Store and an Adult Use Marijuana Retail Store. (Please note the Public Hearing advertised was strictly for a Retail Adult Use Establishment.) Please see attached request from Mr. Dugay.

This business has received approval from the Planning Board (all standards are the same for any marijuana approval).

The licensee acknowledges and affirms all information is true and complete and then will require local authorization. As part of the Marijuana Business License Application for the City of Gardiner, approvals must be given by Code Enforcement, Economic Development, City Manager, Gardiner Fire Department, Gardiner Police Department, Public Works, and City Council.

The City Council shall make findings of facts as to the application's conformance with the standards of approval. The Council may grant a conditional approval of a license for a period of less than one year.

Councilor Ault move to approve the Retail Adult Use Establishment license for Gardiner 4twenty, as all approval standards have been met as noted in City of Gardiner Code Chapter 11, Section 5.2 for a term of one year so long as a valid caregiver's state license is renewed and maintained. (the Council has an opportunity to determine if they would like to grant a Medical Caregiver Store License also)

Councilor Cusick Seconded.

Mayor Hart asked for any discussion.

Manager Landes spoke about a letter that Ed DuGay submitted about also being a medical caregiver. However the City only advertised for Retail adult use.

CEO McNeil provided more information about the transition is taking longer than expected. Ed Dugay is asking if he can obtain both license through the City of Gardiner.

Mayor Hart reviewed the paperwork and they all state Adult Use and does not see any supporting paperwork that states Medical Use in the packet presented.

CEO McNeil explained that Mr. DuGay made a last minute decision.

Mayor Hart stated he is currently operating as a Medical Caregiver in Hallowell but he is awaiting approval for his Medical Caregiver in Gardiner. We do not have the supporting paperwork; he will need to come back if he would like to do Medical.

Mayor Hart asked Chair Willis spoke briefly.

Mayor Hart stated that Mr. DuGay will need to work with CEO McNeil now that we have the Moratorium.

Ed DuGay asked if he could still open as Adult Use.

Mayor Hart stated he has all the paperwork for Adult Use and they will vote.

All those in favor. Unanimous. Council Berry abstaining.

j) Consider Adoption of Proposed Fee Schedule for Planning Department

CEO McNeil spoke briefly about the Fee Schedule.

Councilor Cusick moved to adopt the proposed Planning Department Fee Schedule as presented.

Councilor White Seconded

Mayor Hart asked for any discussion.

Mayor Hart asked CEO if he had a chance to talk with other communities about the fees. Mayor stated she has heard our fees are very low.

CEO McNeil explained they are low, about half of them use the same scale we use, and we are about the same or lower.

All those in favor. Unanimous.

k) Discuss, Evaluate and Possibly Approve 'List A' of Sewer Abatement Requests

The City Council will discuss, evaluate, and possibly approve the 'A' list of sewer abatement requests. Sewer abatement requests are reported quarterly to the City Council. Requests over \$150.00 require Council approval. See attached list for more information.

List A: City Council consideration (over the \$150.00 threshold) This quarter's list are all outside water meter requests.

List B: City Council Special Consideration (outside water meter readings not given within the six (6) month ordinance window) None

List C: Internal City Staff Approval (under \$150.00 threshold) None

Councilor Frey moved to approve the Sewer Abatement Requests from List A, in the amount of \$1,689.97.

Councilor White Seconded.

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

Councilor Ault stated the water meters are awesome, they pay for themselves in no time, they are easy to use, the staff is friendly and years like this when you are watering everyday they do make a difference.

l) Advise and Consent to the Mayor's Appointments/Board of Appeals Members

The names include:

Russell Greenleaf

Carrie Arsenault

Glen Glazier

The Board of Appeals held a meeting on 10/7/2020. The Mayor appointed these individuals and also appointed Edward 'Ted' Potter as Chair of the Board.

Councilor Rees move to advise and consent to the Mayor the appointment of Russell Greenleaf, Carrie Arsenault and Glen Glazier to the Board of Appeals and to also advise and consent to the Mayors appointment of Edward 'Ted' Potter as Chair.

Councilor Rines Seconded.

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

m) Consider Funding the Repair at City Hall/Fire Department

The City Council was previously supplied a report regarding mold issues in City Hall (mostly in the Fire Department area). I have attached another copy hereto along with a building report from AE Hodson. This report detailed the need for some sort of remediation. In order to have that process successful the backside of the fire bay area needs to be redone prior to.

The City Manager reached out to Mushro in Waterville, Jewett Builders in Jefferson, John Conte in W Gardiner, and McGee Construction in W Gardiner. The only business interested in submitting a bid where work could occur in the near future was McGee Construction.

The bid submitted was \$62,500 and an additional \$4,000 to relocate the generator. There is a contingency of \$12,500 in the estimate for Rot and Mold. This estimate does include mold remediation although it is projected that B&G could handle that job as they have done such removal in the past.

This repair cost could be taken from the Undesignated Fund Balance or even possibly financed for a term. If the City Council chose to bond the project, it would be helpful to pay for the project up front and then bond after the Public Hearings and Readings (two of each) take place. Funding this project up front, if the Council chose to go the bond route, would alleviate the wait time for the project to get started as cold weather is imminent.

The City Manager and Finance Director recommend that funds be taken from the Undesignated Fund Balance. This will alleviate interest costs. The city's fund balance is a healthy one with the balance being approximately 20% of the budget. The auditing standard is 16.7% of an annual budget. (Total amount above recommended balance is \$400,395.)

City Manager Landes spoke briefly.

Councilor Berry moved to waive the bid process for the repair at city hall, award the bids to McGee Construction and McFarland Electric respectively, and to approve the expenditure of up to \$66,500 from the undesignated fund balance to repair City Hall.

Councilor Rees Seconded.

Mayor Hart asked for any discussion.

Councilor Cusick spoke briefly and stated they we need to form a committee or do something about these buildings being outdated and they will become more and more money, they are falling apart.

Councilor Berry spoke off Councilor Cusick's comment and that the buildings do not fit the City Staff.

Councilor Auit supports this.

All those in favor. Unanimous.

Mayor Hart wanted to recognize Interim Fire Chief and Finance Director for their example of just how hard working all our employees are. Finance Director Denise Brown was acting Building and Grounds Supervisor for a while and the Interim Fire Chief Rick Sieberg stepped up to serve as the Chief. Also to City Manager Landes who took on Public works and the Library.

n) Consider Approval of a Policy Adoption: Department Shared Laptop and Pool Vehicle

The first policy is a department shared laptop policy. This policy was developed to cover the use of a general laptop that is available for employees use when they are conducting meetings off site. The need for such a computer came about when it was realized that some employees do not have speaker/camera availability on their own personal computers located off site.

The second policy is for a pool vehicle. The pool vehicle was recently placed in service to help alleviate the requirement to pay for mileage when employees are required to attend functions outside of the city. The majority of use will be conducted by the Code Enforcement Officer as he performs inspections on a daily basis.

City Manager Landes spoke briefly about the policy.

Councilor Berry asked who was going to be overseeing these.

Manager Landes explained that the Finance Director Denise Brown would be.

Mayor Hart asked if the City has I-Pads that circulate.

Manager Landes stated that we do not.

Mayor Hart stated to change the wording from just saying laptop to laptop/tablet.

Councilor Berry asked what is the protocol when Councilors trade there I-Pads in.

Manager Landes stated the culture of the City Council to allow the Councilor to purchase the I-Pad when they are upgraded.

Councilor Berry expressed that he was not informed of this.

Manager Landes will follow up with Anne.

Councilor Berry asked if we would be able to recycle the I-Pads or if they are over the edge.

Manager Landes explained that the technology is so outdated and there is not enough memory.

Councilor Rees moved to adopt the Department Shared Laptop/tablet and Pool Vehicle Use Policies as presented.

Councilor White Seconded

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

o) Consideration of Annual Victualer's License: Niche, inc.

Councilor Ault moved to approve the victualer's license for Niche, Inc.

Councilor Frey Seconded.

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

5. CITY MANAGER REPORT

- If you are down town, make sure to check out Mckay park. We worked with owners that is surrounding that area.
- Behind Reny's the paving is done. Approximant 3 ½ inches of pavement placed. Thankful that some of the owners contributed to some of that cost.
- Apologize there are not minutes. City Clerk been very busy with Elections. As of this afternoon, she has sent out 1,357 ballots and received back 687.
- On the City's website, they posted a picture of the new drop box outside which is filling up quickly with absentee ballots.
- Reminder to everyone to stop by to sign all of the forms.
- Councilor Frey, Councilor Berry and Mayor Hart is needed to report to Denise to sign warrents.

6. CITY COUNCIL REPORT

Councilor Ault

- None

Councilor Cusick

- Thank you to City Manager and Public Works Director Jerry for all the paving.

Councilor White

- None

Councilor Berry

- Process with the bridges has been handled very well.
- Winter Hill Stop Lights are hung up with bags on them.
- Gardiner is doing well because we Love Gardiner; We work to make it better.

Councilor Rees

- Thank you City Manager Landes and Chief Toman for making changes for Halloween. There was many concerns about doing this safely.
- Feels like the Council needs to talk about the issues speeding in the town.

Councilor Frey

- None

Councilor Rines

- Encourage everyone to get out and vote.

Mayor Hart

- Many new businesses has opened down town. Jokers and Rouges received the go ahead for phase 4 they will open November 2nd to the public. They are allowed to fill the growlers from the Swine and Stine. Swine and Stine is happening now and they are selling the bags now which you get the growler and other swag.
- Alan Claude's studio is open Channel 8 was here interviewing him. He is the face of Maine.
- El Oso is in the spot where Frosty's was, Ribbon cutting is on Thursday at 1.
- Blind Big soft opening tomorrow.
- New store, Gardiner Hardware is in the spot where the health agency was.
- Young Rotarians will be managing the Halloween Trick-or-Treating that will occur on October 24th in the EJP parking lot. Will confirm the time and post. They are looking for donations you can get them to Kathy Culter.
- New funding that is coming from National Maine Street program going to Gardiner Maine Street.

7. ADJOURN

Councilor Cusick moved to adjourn.

Councilor Berry seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. Councilor White computer died unable to vote.

This document is in draft form and will be reviewed and possibly approved during the October 28, 2020 City Council Meeting.

Respectfully submitted and attested on 10/20/2020 by,

Alisha Ballard,
Gardiner City Clerk