



GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET



Meeting Date	09/16/2020	Department	City Council
Agenda Item	4.m Review and Accept Minutes from August 26, 2020 and September 02, 2020		
Est. Cost	n/a		

Background Information	Attached are the minutes from August 26, 2020 and September 02, 2020.
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Requested Action	'I move to approve the minutes of August 26, 2020 and September 02, 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 _____

Meeting called to order at 6:02 pm

Roll Call: any absent? Councilor Frey

- **Pursuant to M.R.S.A. § 405(6)(C): Economic Development on Highland Avenue**

Councilor Ault moved to enter into executive session Pursuant to M.R.S.A. § 405(6)(C): Economic Development on Highland Avenue

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:07 pm.

Councilor Ault moved to exit out of executive session Pursuant to M.R.S.A. § 405(6)(C): Economic Development on Highland Avenue

Councilor White seconded.

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

No Action Taken.

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

Councilor Cusick moved to enter into executive session Pursuant to M.R.S.A. § 405(6)(C): Economic Development at Libby Hill Business Park

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:20 pm.

Councilor Cusick moved to exit out of executive session Pursuant to M.R.S.A. § 405(6)(C): Economic Development at Libby Hill Business Park

Councilor Rees seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:51pm.

The City Manager and Economic Development Director were provided direction as discussed.

- **Pursuant to M.R.S.A. § 405(6)(A): Personnel Issue Regarding Employees' Participation in Emergency Response and Providing Essential Services**

Councilor Rees moved to enter Executive Session Pursuant to M.R.S.A. § 405(6)(A): Personnel Issue Regarding Employees' Participation in Emergency Response and Providing Essential Services

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 6:52 pm.

Councilor Cusick moved to exit Executive Session Pursuant to M.R.S.A. § 405(6)(A): Personnel Issue Regarding Employees' Participation in Emergency Response and Providing Essential Services

Councilor Rees seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 7:30 pm.

No action taken. Council took a 10-minute break

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

Councilor Cusick moved to enter into 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. 7:40 pm.

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

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8 :45 pm.

Action to schedule Executive Session on September 23rd

- **ADJOURN**

Councilor Rees moved to adjourn

Councilor Ault seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous. 8:46 pm.

This document is in draft form and will be reviewed and possibly approved during the September 16, 2020 City Council Meeting.

Respectfully submitted and attested on 9/9/2020 by

Alisha Ballard,
Gardiner City Clerk



Mayor Hart called the meeting to order at 6:03pm.

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: Christine Landes, City Manager; Economic Development Director, Tracey Desjardins; City Clerk, Alisha Ballard; Police Chief, James Toman; Code Enforcement Officer, Kris McNeill; Debby Willis; Troy Cutler; Sarah Fuller

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 Marijuana Establishment Licensing Ordinance

This is a Public Hearing on the Marijuana Establishment Licensing Ordinance. It was sent back to the ORC to review the fees that were originally included in the ordinance.

It was agreed to the following:

- * remove the fees from the ordinance and require that a fee be paid based on the City Council adopted fee schedule
- * recommend that the fees as adopted in the licensing ordinance be included in the fee schedule
- * add a provision in the fee schedule that caps the fees paid for multiple facilities on the same lot at \$2,500

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 6:10pm.

b) Proposed Amendments to Chapter 12 Mobile Food Vending Units of the City's Code of Ordinances

Mayor Hart opened the public hearing at 6:10pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:11pm.

c) Liquor License Renewal: Johnson Hall

This is a Public Hearing on to possibly approve a liquor license renewal for Johnson Hall.

Mayor Hart opened the public hearing at 6:11pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 6:11pm.

d) Medical Retail Marijuana/Dispensary: The Bud Bar

This is a Public Hearing on the Medical Retail Marijuana/Dispensary: The Bud Bar being opened at 325 Water Street.

Mayor Hart did not open the public hearing due to the proper paperwork not being turned in. Public Hearing was moved to September 16, 2020.

4. NEW BUSINESS

- a)** Consider Mayors' Appointment(s) with the Advice and Consent of the City Council; Interim City Clerk and Register of Voters, Kathleen Cutler and City Clerk and Register of Voters, Alisha Ballard

With the departure of former City Clerk, Kelly Gooldrup, Mayor Patricia Hart appointed Kathleen Cutler as interim City Clerk/Register of Voters until a permanent City Clerk was confirmed.

The City of Gardiner is pleased to announce an internal promotion. The new City Clerk/Register of Voters is Alisha Ballard.

The City Charter states; the following officers and boards, except as herein otherwise provided, shall be appointed by the Mayor with the advice and consent of the City Council in regular session; City Clerk and all officers and boards whose appointments or elections are not otherwise specifically provided for in this charter.

Councilor Ault moved to advise and consent to the Mayor the interim appointment of Kathleen Cutler as City Clerk/Registrar of Voters and the permanent appointment of Alisha Ballard as City Clerk/Registrar of Voters.

Councilor White seconded.

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

- b)** Consider the Approval of a Victualer License for Three Bridge LLC (A1 Diner)

The City Council is being asked to consider the approval of a Victualer License for Three Bridge LLC (A1 Diner).

Councilor Cusick moved to approve the Victualers License for Three Bridge LLC (A1 Diner).

Councilor Rines seconded.

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

- c)** Consider and Sign the City of Gardiner FY21 Ambulance Service Contract

Councilor Ault moved to approve the FY21 contract with the City of Gardiner's EMS Service and allow Mayor Patricia Hart to sign for the City Council.

Councilor Cusick seconded.

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

- d)** Award Bid for 2007 GMC Plow Truck

City Manager Christine Landes read aloud the bids.

- Larry Gove of Pittson in the amount of \$2,778.77
- Jeffrey Fortin of Waterville in the amount of \$2,800.00
- Terry Maschino Sr of Gardiner in the amount of \$3,010.00

Councilor Ault moved to Award Bid for 2007 GMC Plow Truck to Terry Maschino Sr in the amount of \$3,010.00.

Councilor White seconded.

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

e) Second Read and Possible Adoption of Proposed Amendments to the Marijuana Establishment Licensing Ordinance/Emergency Adoption

Per the City Council's request the Marijuana Establishment Licensing Ordinance was sent back to the ORC to review the fees that were originally included in the ordinance.

It was agreed to the following:

* remove the fees from the ordinance and require that a fee be paid based on the City Council adopted fee schedule

* recommend that the fees as adopted in the licensing ordinance be included in the fee schedule

* add a provision in the fee schedule that caps the fees paid for multiple facilities on the same lot at \$2,500

Chair Willis of the Planning board gave a brief overview of the Proposed Amendments.

Councilor White moved to adopt the proposed amendments to the Marijuana Establishment Licensing Ordinance with an Emergency Adoption effective 9/3/2020, with a fee schedule being presented and adopted by City Council, 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 Cusick seconded.

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

f) Second Read and Possible Adoption of Proposed Amendments to Chapter 12 Mobile Food Vending Units of the City's Code of Ordinances

Chair Willis of the Planning board provided a brief over view.

Previously the City Council adopted proposed amendments to Chapter 12 Mobile Food Vending Units of the City's Code of Ordinances. Unfortunately, the wrong amendment copy was approved. Per the 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 Cusick moved to adopt the proposed amendments to Chapter 12 Mobile Food Vending Units of the City's Code of Ordinances with an Emergency Adoption effective 9/3/2020, 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 White seconded.

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

g) Consider Approval of Liquor License Renewal: Johnson Hall

This agenda item is the consideration to possibly approve a liquor license renewal for Johnson Hall, Inc. The Public Hearing was advertised on August 18, 2020.

Councilor Frey moved to approve the liquor license renewal for Johnson Hall.

Councilor Rines seconded.

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

h) Consider Approval of Medical Retail Marijuana/Dispensary: The Bud Bar

Mayor Hart skipped this agenda due to proper paperwork not being turned in. Moved to City Council Meeting to take place on 9/16/2020 at 6PM.

i) Property Maintenance Ordinance/Set Public Hearing and First and Second Read

Chair Willis provided a brief discussion about the City's Maintenance Ordinance.

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. This would be a new Chapter in Title 17 Nuisances of the Code of Ordinances.

Councilor Rees expressed concern for the residents that do not have the means to clean there yard.

CEO Kris McNeil explains that he has worked with waste haulers to donate dumpsters and auto recyclers to remove junk cars free of charge.

Councilor Rines mentioned the Fall Clean up that is happening in the City starting October 5th with a fee of \$25.

Councilor Ault moved to send the proposed amendments to the City Code Title 17 Chapter 5 Property Maintenance for a Public Hearing and first and second reads on 9/16/2020 and October 14, 2020 respectively.

Councilor Rines seconded.

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

j) Proposed Amendment to the Land Use Code Multifamily Density for the Shoreland (SL) District/Set Public Hearing and First and Second Reads

Chair Willis spoke briefly about the Land Use Table failed to have a number under this provision. 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. The Planning Board has held a Public Hearing.

Councilor White moved to send the proposed amendments to the Land Use Code Multifamily Density for Shoreland District for a Public Hearing and first and second reads on 9/16/2020 and October 14, 2020 respectively.

Councilor Frey seconded.

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

k) Consider Adoption of Proposed Fee Schedule for Planning Department

Councilor Rines moved to adopt the proposed fees for marijuana establishments as presented.

Councilor Cusick seconded.

Mayor Hart asked for any discussion.

ED Tracey Desjardins asked to remove the cap on fees, she expressed the over whelming response for the department for the new ordinance. Staff is working extra time processing the

applications. Tracey is in favor of letting the fee scale to stay the same due to the amount of time staff is spending on each application.

Mayor Hart asked if each license was a different set of paperwork.

ED Tracey Desjardins confirmed.

Councilor Berry asked who would have authority for the fees?

ED Tracey Desjardins explained they would have to follow the same permitting fee scale.

Councilor Rees moved to make a motion to amend the motion to remove the cap.

Councilor Frey seconded.

Mayor Hart asked for any discussion. All those in favor for the amendment. Unanimous.

l) Acceptance of Criminal Forfeiture Funds from District Attorney, In Rem

The Office of the District Attorney asks that the City Council be informed of criminal forfeiture funds that may be available, in rem, to the city. Currently the City Council is being asked to approve the acceptance of \$13,925.00, or such amount ordered by the court.

City Manager Christine Landes spoke briefly about the funds. She spoke with Chief Toman to clarify. She explained that we may not receive the full amount but will provide more information once we receive the funds.

Councilor Berry asked Chief Toman about the fund range.

Chief Toman explained that the DA's office and or the Attorneys general office makes the determination as to which agency's get for funds based on the involvement in the case.

Councilor Rines moved to accept criminal forfeiture funds pursuant to 15 M.R.S.A. § 5824(3) and § 5826(6) in the amount of \$13,925.00 or such amount ordered by the court, in rem, on the grounds that the Gardiner Police Department did make a substantial contribution to the investigation of this or a related criminal case.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. All those in favor. Unanimous

m) Discussion Surrounding Emergency Order Requiring Masks in Gardiner

As the COVID-19 Pandemic continues, surrounding communities have taken an opportunity to strengthen the State of Maine's Enforcement Order requiring face coverings. In April, the State of Maine issued an Executive Order to require face coverings in public places where social distancing is difficult to maintain. In May, businesses were required to post signs notifying customers of this requirement. In July, the State of Maine changed the order to require retail stores with 50,000 sq. ft. to mandate face coverings. This would be in the counties of Hancock, Waldo, Knox, Lincoln, Sagadahoc, Cumberland, and York. Cities also included in the order were Bangor, Brewer, Lewiston, Auburn, and Augusta. This order also allows municipalities to enforce the use of face coverings on streets and sidewalks, in parks and other public spaces where individuals are not able to maintain social distancing requirements.

Most recently, the City of Hallowell, and the Town of Winthrop placed in motion a similar order required in their municipality. Troy Cutler, Infection Nurse Specialist for Maine General, and Sarah Fuller, Chairperson for the Town of Winthrop Council, will be present to discuss this issue.

The City Council will be asked to consider placing a face-covering requirement as part of an Emergency Order for the City of Gardiner.

Sarah Fuller a Councilor for Town of Winthrop Spoke about the enforcement in their town. They coordinated with neighboring towns to have consistency in Winthrop to eliminate the confusion about when and where to wear the masks.

Mayor Hart asked Sarah how they educate the public with their requirements.

Sarah posts online to be blasted through the email/text alert system. Weekly advertiser.

Enforcement is for education bases. Code Enforcement is the first hand to assist with businesses to see if they meet all requirements.

Troy Cutler Supervisor of Infection Prevention spoke about how wearing masks work when unable to keep your distance and transmission.

Mayor Hart asked Troy about going into the winter months. Troy stated that getting the flu vaccine is the best protection for the different strains.

Mayor opened up for questions from the councilors.

Councilor Rees said she heard on the radio that other than masks the other way to protect people be quiet, by not talking we are not spreading the virus.

Troy said that masks are catching all the macro droplets.

Councilor Berry is confused about getting a vaccine for the flu and the statistics that was shared.

Troy shared more information about the statistics and expressed that the flu vaccine is still important.

Councilor White asked about the enforcement due to being local businesses where people are not wearing masks.

Sarah said that it is for informational purposes. When we receive a complaint, we reach out to the business to let them know about the complaint and to see what they follow for protocol. She states that they are not sending police officers out to enforce people to wear masks and most interaction with the business is done over the phone.

Councilor Cusick asked if we are asking people to wear masks down to the common or kids riding bikes.

Sarah explained if they are staying six feet apart than it is not an issue.

Councilor Cusick asked Chief Toman if they are getting many complaints here in Gardiner.

Chief Toman explained that we are not getting a ton; some weeks we get a couple and others, we get done.

Code Enforcement Officer Kris said we get about 2-4 complaints a week and the businesses he approaches change their procedures on how they are handling things.

Melissa Executive Director of Gardiner Maine Street spoke with some businesses and there take on the mask wearing. She explains that if Gardiner had a standard procedure that was widely known it would be easier to follow. She hopes that there would be signage that they would be supplied by the city to make sure this is widely known.

Sarah explained how the mask requirement in Winthrop took the pressure off the businesses.

Mayor Hart asked if anyone who wanted to speak on this matter.

Resident Curtis Ayotte spoke of a traumatic family event that happened to him when he was younger and expressed that wearing a mask is a big trigger. He feels like with these rules within Gardiner he would need to wear a scarlet letter to explain why he is not wearing a mask.

Mayor Hart explained that if you have an exemption you do not need to wear a mask.

Councilor Rees talked briefly, on how she would hand out a card to say she is unable to wear a mask to avoid confrontation. Rees expressed that enforcing mask wearing is necessary to ensure the safety of others within the community.

Councilor Cusick explained that we are not requiring anything more than Governor Mills has put into order.

Mayor Hart asked Sarah and Troy for input regarding people who are unable to wear masks and how they are handling these situations.

Troy stated that they have had to make accommodations for employees and patients that come in and look at the science behind COVID-19 and that doing a little is better than nothing at all. Wearing a shield is not as good as a mask but it is still better than not wearing one at all. For the people who are unable to wear any protection, which it is why it is so important that people who can wear them do.

Chief Toman spoke with other Chiefs in surrounding towns and it is on strictly education standpoint. They are using grant money for an education standpoint by putting posters up and supplying PPE to local businesses.

Mayor Hart suggested a task force be put into place. ED and City Manager written and been successful in securing two grants keep me healthy grants.

Suggest a task force would include ED; CEO; Gardiner Maine Street (Voice); PD; Healthy Communities & Fire/Rescue.

Mayor Hart called for a 10 minute break at 7:50
Meeting back in session at 8:01PM

n) Discussion of a Potential Adult Use and Medical Use Retail Marijuana Moratorium

The City Council has an opportunity to move forward with a moratorium ordinance to restrict adult and medical use retail establishments until the Ordinance Review Committee has a chance to review the currently adopted ordinance.

Should the City Council choose to move forward with this moratorium ordinance, there should be two Public Hearings (per normal City Council procedure, although not required by law), and also two readings. The City Council also has an opportunity to place a retroactive date for the moratorium.

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 White moved to set a Public Hearing and First and Second Read for an Adult Use and Medical Use Retail Marijuana Moratorium on 9/16/2020 and 10/14/2020 respectively, with a retroactive effective date of 9/2/2020

Councilor Ault seconded.

Mayor Hart asked for any discussion.

Councilor Ault opened discussion with being in favor.

Councilor Rines spoke how he has received a lot of input. He encourages everyone to reach out if they have any questions.

All those in favor. Unanimous.

- o) Review and Accept Meeting Minutes from August 5, 2020 and August 12, 2020

Councilor Ault moved to approve the minutes of August 5, 2020 and August 12, 2020 as presented.

Councilor Cusick seconded.

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

5. CITY MANAGER REPORT

- Save the date for Gardiner Grows with Community Support Rally meeting with bridge updated from Reed & Reed on 9/14 at 6pm at Bateau Brewing
- Jerry started Monday 8/31; He will attend 9/16 Council meeting for a meet and greet; Attending Rotary Thursday September, 3rd
- Welcome New City Clerk; Alisha Ballard
- New counter Clerk starting 9/14 and will be introduced on 9/16 along with the new police officer.

6. CITY COUNCIL REPORT

Councilor Ault

- Gardiner Co-Opt has a New Manager Penny Moser from Sheepscot General

Councilor Cusick

- Asked City Manager Christine Landes about the paving?
City Manager Landes stated she would discuss with Jerry to provide with correct information and get back to Councilor Cusick.

Councilor White

- Follow up to what Councilor Rines said about the Fall Clean up

Councilor Berry

- All Set

Councilor Rees

- Issues with Speeding on Brunswick Ave going 50 MPH; Suggested a permeant Sign with flash speed

Councilor Frey

- All Set

Councilor Rines

- Let residence know of Sherburne Ave know he spoke with City Manager about the aspects of the parks and will get back to you by the end of the week.

- publicly request from Chief Toman to place a speed sign on river view. Several request on the North side. A member of the community throwing stones.

Mayor Hart

- Recognize the police department after the double fatal accident they responded to as well as the EMS and Fire responders. We are lucky to have our public safety folks so close and able to respond.
- Thank you to Public Works and Building and Grounds for working through the night to stripe the Arcade parking lot and Water Street; It is a lot safer. You all did a great job.
- Welcome new business; Ruby's Place
- Economic Developer and Code Enforcement for the work they are doing.

City Manager Christine Landes asked Mayor Hart to stop into City Hall to sign papers.

7. ADJOURN

Councilor Rees moved to adjourn.

Councilor Ault 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 September 16, 2020 City Council Meeting.

Respectfully submitted and attested on 9/9/2020 by

Alisha Ballard,
Gardiner City Clerk