



**GARDINER CITY COUNCIL  
AGENDA ITEM INFORMATION SHEET**



<b>Meeting Date</b>	01/08/2020	<b>Department</b>	City Council
<b>Agenda Item</b>	4.15 Accept Minutes of November 19, 2019 and December 4, 2019		
<b>Est. Cost</b>	n/a		

**Background Information**

Attached are the minutes from the November 19, 2019 and December 4, 2019 meetings.

<b>Requested Action</b>	'I move to approve the minutes of November 19, 2019 and December 4, 2019 as presented.'
<b>City Manager and/or Finance Review</b>	The City Manager recommends the above action.
<b>Council Vote/ Action Taken</b>	
<b>Departmental Follow-Up</b>	

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

Mayor Hart called the meeting to order at 6:00pm to go directly into executive session.

- EXECUTIVE SESSION: Pursuant to 1 M.R.S.A § 405 (6) (E) Discussion with City Solicitor in Regards to Economic Development

Councilor Rees moved to enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (E) discussion with City Solicitor in regards to Economic Development.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 6:01pm.

Councilor Berry moved to exit out of executive session pursuant to 1 M.R.S.A. § 405 (6) (E) discussion with City Solicitor in regards to Economic Development.

Councilor Rines seconded.

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

Discussion only. No action taken.

- EXECUTIVE SESSION: Pursuant to 1 M.R.S.A. § 405 (6) (F) Discussion with Various Property Owners Regarding Tax Acquired Properties

Councilor White moved to enter into executive session pursuant to 1 M.R.S.A. § 405 (6) (F) discussion with various property owners regarding tax acquired properties.

Councilor Cusick seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 6:53pm.

Councilor Cusick moved to exit out of executive session pursuant to 1 M.R.S.A. § 405 (6) (F) discussion with various property owners regarding tax acquired properties.

Councilor White seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 7:37pm.

#### Property #1

Councilor Berry moved to work with TAP owner #1 as directed to staff.

Councilor Rees seconded.

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

#### Property #2

Councilor Cusick moved to work with TAP owner #2 as directed to staff.

Councilor White seconded.

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

#### Property #3

Councilor Rees moved to work with TAP owner #3 as directed to staff.

Councilor Cusick seconded.

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

Mayor Hart called the regular session meeting to order at 7:40pm.

## 1. ROLL CALL

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

Absent: Jon Ault, At large;

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Economic Development Director, Tracey Desjardins; Public Works Director, Tony LaPlante, Code Enforcement Officer; Kris McNeill, Waste Water Director; Douglas Clark, George Trask, Mary Ann Johnson, John Callinan, Rick McCormick, Debby Willis, David Hutchins, Penn Estabrook

Mayor Hart asked for a moment of silence for Winslow Fire Fighter, Scott Higgins, who past unexpectedly on Monday.

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

Mayor Hart asked for any comment from the public.

George Trask expressed his concerns about the posting and procedure of city surplus items. City Manager Landes will follow up with Mr. Trask.

CEO Kris McNeill gave an update on the West Street house that burned. The owner hasn't decided yet how he will dispose of the building. One option is to bury it as DEP allows that option.

George Trask expressed concerns about burying the debris.

CEO Kris McNeill will contact DEP for further information.

George Trask also expressed concerns about 674 Brunswick Avenue.

CEO Kris McNeill will follow up.

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

## 3. PETITIONS/PUBLIC HEARINGS

- a) Public Hearing for a New Liquor License for Jokers and Rogues, LLC.

John Callinan, is the primary owner. This business will be located at 339 Water Street. It will be a nano-brewery and tasting room.

Owners, John Callinan and Rick McCormick gave a brief overview of the new brewery and tasting room.

Mayor Hart opened the public hearing at 8:00pm and asked for any comments from the public. Hearing none. Mayor Hart closed the public hearing at 8:00pm.

#### 4. NEW BUSINESS

1. Consider Approval of a New Liquor License for Jokers and Rogues, LLC

Councilor Rees moved to approve the new liquor license application for Jokers and Rogues, LLC  
Councilor Cusick seconded.

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

2. Consider Approval of an Entertainment and Victualers Permit for Jokers and Rogues, LLC

John Callinan is the primary shareholder. This application would include a Victualers license to sell food, and an Entertainment/Special Amusement License.

Councilor Cusick moved to approve the Victualers and entertainment permits for Jokers and Rogues, LLC.

Councilor Rines seconded.

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

3. Consider Approval of a Major Special Event – 2020 Trek Across Maine

This event will be held June 21, 2020 with cyclists crusading across Maine to raise money to fight lung cancer and lung disease. The Police Chief is recommending a closure of Main Avenue from Bailey's Auto to the Gardiner/Randolph Bridge. This will be at a cost of approximately \$200. It is the City Manager's recommendation, as the American Lung Association is a non-profit 501c3, to waiver the PD cost.

Councilor Dolley moved to approve the Major Special Event- Trek Across Maine 2020- American Lung Association, on June 21, 2020, and to waive the Police Department estimated cost.

Councilor Rines seconded.

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

4. Consider and Appoint New Members to Boards and Committees

Robert Abbey has requested to be appointed to the Sidewalk Committee.

Councilor Rees moved to advise and consent to the Mayor the appointment of Robert Abbey to the Sidewalk Committee.

Councilor Cusick seconded.

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

5. Consider Approval for ORC to review multiple topics

Code Enforcement Officer, Kris McNeill has listed seven relevant topics (in order of importance). He is asking the City Council to consider allowing the Ordinance Review Committee to address.

They are:

- \*solar farms
- \*food trucks
- \*tiny homes
- \*breweries/tasting rooms
- \*multifamily units in the shoreland zone
- \*the Residential Historic District
- \*the Dresden Street Hospital site

Code Enforcement Officer, Kris McNeill gave a brief summary of why each topic should be approved for review.

Councilor Cusick moved to send the suggested list of topics to the Ordinance Review Committee for their review.

Councilor White seconded.

After discussion between the Council, Debby Willis and CEO McNeill; Council decided to amend the original motion.

Councilor Cusick withdrew the motion.

Councilor White withdrew the second.

Councilor Cusick moved to send the following topics to the Ordinance Review Committee for their review: solar farms, food trucks, breweries/tasting rooms, multifamily units in the shoreland zone and the Residential Historic District.

Councilor White seconded.

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

Penn Estabrook expressed concerns about what the Dresden Street Hospital Site may be used for in the future.

David Hutchins and Mary Ann Johnson wants the neighborhood and abutters including School Street to be notified if any changes or variances proposals occur regarding the Dresden Street Hospital Site.

6. Consider and Approve Placing 38 Partridge Drive (Tax Acquired Property) Back Out to Bid

The City is the current owner of 38 Partridge Drive. Previously this property was placed out to bid and there was no interest. Most recently, we have had some interest in the property. The tax collector is requesting that the City Council consider placing this property back out to bid.

Councilor Cusick moved to allow 38 Partridge Drive to be placed back out to bid with a minimum bid of \$4,500.

Councilor Rees seconded.

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

Councilor Rees made a motion place the property located at 38 Partridge Drive back out to bid with the caveat of a minimum home of \$150,000 assessed value being placed on the property within two years.

Councilor Cusick seconded.

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

#### 7. Support Maine 200 Bicentennial Celebration for Summer 2020 in Gardiner

The State of Maine will be celebrating its 200th anniversary in 2020 and communities are being asked to host events in honor of this special date. The City of Gardiner boasts a rich history in shipbuilding, manufacturing, ice, paper and transportation, and with this in mind it would be a great opportunity to highlight the city and its culture. The Maine Bicentennial Commission has a grant opportunity with maximum grant awards being up to \$10,000 with a 1 to 1 cash or in-kind match. The next application deadline is: February 1, 2020. The Economic Development Director, Tracey Desjardins is seeking permission to submit a Community Grant through the Maine Bicentennial Commission to host at Gardiner Maine 200 Celebration in the fall of 2020.

Tracey Desjardins gave a detailed summary on the proposed ideas.

Councilor Cusick moved to authorize the City Manager to submit a one-time Community Grant through the Maine Bicentennial Commission for a Gardiner Maine 200 Celebration.

Councilor White seconded.

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

#### 8. Accept minutes of October 30, 2019

Councilor Cusick moved to approve the minutes of October 30, 2019 as presented.

Councilor Dolley seconded.

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

#### ● CITY MANAGER REPORT

- Current list of Boards and Committee vacancies that will be posted soon
- Invite for the upcoming Holiday party

#### ● CITY COUNCIL REPORT

Councilor Cusick

- Asked Tony LaPlante about the paving the parking lot behind the Arcade. Tony responded they had some delays and are working on it.
- Asked Tony LaPlante about sidewalk paving. Tony responded most are done and the rest are being worked on weather pending.

Councilor White

- Congrats to all Councilor re-elects, I will miss you Shawn Dolley and welcome Colin Frey

Councilor Berry

- All set

Councilor Rees

- Thanks to District #2 for re-electing me for another two years.

Councilor Dolley

- All set

Councilor Rines

- All set

Mayor Hart

- Congrats to Councilor re-elects and new comer Colin Frey
- Thank you to the City Clerk and the team who set-up and run the Election
- 2 ribbon cuttings: Able Body Functional Fitness and Nurture Me
- Parking Study just ended and there will be a meeting Thursday night to discuss it further
- Boys & Girls Club had a big announcement of the proposal
- Attended the Bridge opening after the last meeting. Thanks to everyone who worked on it.

• **ADJOURN**

Councilor Cusick moved to adjourn.

Councilor Dolley seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 9:04pm.

*(Draft minutes until the January 08, 2020 Council Meeting)*

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

## 1. ROLL CALL

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

Also in attendance: City Manager, Christine Landes; City Clerk, Kelly Gooldrup; Public Works Director, Tony LaPlante; Economic Development Director, Tracey Desjardins; Code Enforcement Officer; Kris McNeill, Finance Director; Denise Brown, City Librarian; Anne Davis, Police Chief; James Toman, Fire Chief; Al Nelson, Waste Water Director; Doug Clark, Robert Abbey, Brandi Kennerson, George Trask, Delia Lunsford, Joann Joy, Mike Gent, Roland Kennerson, Jack Fles, Mark Eyerman, Geri Doyle, Darryl Brown Jr, Edward Grenier, Anne Cough, Rick Johnson, Daniel Walker, Jessica Lowell

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

Mayor Hart asked for any comment from the public.

Joanne Joy, Director of Healthy Communities of the Capital Area, applied for a grant scholarship that works with drug free school and youth changes.

George Trask expressed concerns about the posting and procedure of city surplus items.

Anne Cough announced and invited everyone on Saturday December 14 to Oak Grove Cemetery and place wreaths on Veterans graves.

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

## 3. PETITIONS/PUBLIC HEARINGS

### a) Public Hearing for a New Liquor License: The Blind Pig Tavern

This business will be located at 266 Water Street (the former Two Gramps Brewery). The owners name is Brandi Kennerson.

City Manager Landes read a letter of recommendation written by current owners, Joe & Kristy Gould.

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

### b) Public Hearing for a Junkyard Permit Renewal: Brown's Exit 27 Salvage, Inc.

This is a Public Hearing in regards to the Junkyard Permit Renewal for Brown's Exit 27 Salvage, Inc. located at 971 Brunswick Avenue, Tax Map 11, Lot 8A. This business is owned and operated by Darryl Brown Sr. and also Darryl Brown Jr. Prior to the meeting, Kris McNeill,



CEO, and Al Nelson, Fire Chief, will inspect the premises and a report will be available. The application has been paid in full.

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

#### 4. NEW BUSINESS

1. Consider and Approve New Liquor License for The Blind Pig Tavern

Councilor Berry moved to approve the new liquor license application for The Blind Pig Tavern. Councilor Rines seconded.

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

2. Consider and Approve Victualers and Outdoor Consumption Permit for The Blind Pig Tavern

The Blind Pig Tavern (formerly Two Gramps Brewing) located at 266 Water Street is asking permission from the City Council to use Johnson Hall Park for outside seating during the summer season. The map attached details a request of the use of a triangular portion of 32'x50'x34'. This section would be chained off. It is also recommended for the Council to consider use of the grassy wall area in this application as in the past musical bands have used the area above the original approved area. This agenda item also includes consideration of a Victualers license.

Councilor Rees moved to approve the use of the Johnson Hall park as detailed on the attached map, and to also approve the Victualers license for The Blind Pig Tavern.

Councilor Cusick seconded.

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

3. Consider and Possibly Approve Brown's Exit 27 Salvage, Inc. Junkyard Permit

This is the consideration for approval of a Junkyard Permit Renewal for Brown's Exit 27 Salvage, Inc. located at 971 Brunswick Avenue, Tax Map 11, Lot 8A. This business is owned and operated by Darryl Brown Sr. and also Darryl Brown Jr. Prior to the meeting, Kris McNeill, CEO, and Al Nelson, Fire Chief, will inspect the premises and a report will be available. The application has been paid in full.

Councilor Cusick moved to renew the Junkyard Permit for Brown's Exit 27 Salvage, Inc. Councilor Dolley seconded.

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

4. Parking Study Results/KVCOG

Rescheduled until the January 08, 2020 Council Meeting

5. Consider the Approval of a Fundraiser for a Plaisted Cemetery Monument

This is a request from Anne Cough and Edward Grenier. They are asking permission from the City Council to raise funds for a memorial marker in the annex of the Plaisted Cemetery. This cemetery is on the corner of Highland Avenue and West Hill Road. In the open green area that abuts the cemetery there are 262 unmarked graves.

Anne Cough and Edward Grenier were present to give an overview of the request and answer questions.

Councilor Ault moved to allow Anne Cough and Edward Grenier to place a memorial marker in Plaisted Cemetery Annex. The purchase of the marker would be funded by fundraiser conducted by them also.

Councilor Berry seconded.

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

6. Consider the Designation of Common as a Historic Area

Robert Abbey, and the fountain renovation committee, have been diligently working on how to restore the Palmer Fountain in the common area. As part of that process, they discovered that there is the potential to have the common become part of the historic register for the State of Maine. Parks and Rec has formally recommended this for the Common. Allowing the common to become part of the historic register would open up eligibility for federal grant funds.

Robert Abbey gave a brief overview.

Councilor Dolley moved to allow the City Manager to make a request to the Maine Historic Preservation Commission to allow the Common to be placed on the Historic Register.

Councilor Ault seconded.

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

7. Consider Designating Johnson Hall/Dearborn Park as a Smoke-Free and Tobacco-Free Areas

This is a consideration of the Council to designate Johnson Hall and Dearborn Park as a 'smoke-free and tobacco-free' areas. The Parks and Rec Committee recommends making both of these areas tobacco free. However, due to the development of new electronic devices it is the recommendation of the City Manager to move to a 'smoke-free' zone in these areas.

Councilor Rees moved to designate Johnson Hall and Dearborn Park as smoke-free and tobacco-free areas.

Councilor Cusick seconded.

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

8. Consider Retired Fire Truck Donation to Capital Area Technical Center Firefighter Program

The Fire Chief is requesting permission to donate the 1987 Pierce Engine to the CATC firefighter program. This Engine can no longer be used for emergency response and cannot be sold to another community for emergency response. This is a condition of the FEMA grant that we received in the amount of \$334,333 to replace this Engine. The Engine would be donated with the following conditions: If the apparatus was no longer useful to CATC or if the program ceased to exist, the apparatus would return to the Gardiner Fire Department. All insurances, maintenance, repairs and operational costs for the apparatus are the sole responsibility of Capitol Area Technical Center.

Chief Al Nelson and Fire Instructor, LT. Rick Johnson from Capital Area Technical Center gave an overview of the request.

Councilor Cusick moved to donate the 1987 Pierce Engine to the CATC Firefighter program with the following conditions: If the apparatus was no longer useful to CATC or if the program ceased to exist, the apparatus would return to the Gardiner Fire Department and all insurances, maintenance, repairs and operational costs for the apparatus are the sole responsibility of Capitol Area Technical Center.

Councilor Rines seconded.

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

9. Set 2020 Meeting Dates (see tentative dates listed below)

Appropriate coverage will be provided, should the City Manager or City Clerk not be available.

Councilor Rees moved to accept the 2020 Council Meeting schedule as presented.

Councilor White seconded.

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

10. Delegation of Authority for 2020

Yearly, the City Council approves and signs a Delegation of Authority order that allows some normal course of business transactions to occur, without the need to bring them to the City Council.

Councilor Ault moved to approve and sign a Delegation of Authority order, effective January 1, 2020 to December 31, 2020.

Councilor Cusick seconded.

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

11. Consider and Approve Food Sovereignty Ordinance Choices Sent from ORC

The ORC explored the creation of a local ordinance that would exempt certain producer to consumer sales from state food laws. Out of this discussion came two choices should the City Council choose to move forward with adopting a local ordinance. Option 1 is more restrictive and limits producer to consumer sales to the actual place of production. Option 2 is more liberal and allows producer to consumer sales at farmer's markets as long as the producer is present.

Mark Eyerman and Debby Willis gave a detailed overview of the possible requested options.

Councilor Ault moved to send Option 2 back to the Ordinance Review Committee for further review.

Councilor Berry seconded.

Councilor Ault read a letter from Senator Troy Jackson and Representative Craig Hickman.

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

## 12. Work Session for Marijuana Ordinances

Mark Eyerman and Debby Willis were present to help facilitate the marijuana ordinance discussion by giving a highlighted overview.

The objectives for this work session are:

- to bring the council members up to date on the adult-use and medical marijuana rules and how they interface with anything the city decided to do.
- to review any possible approaches for regulating various types of marijuana establishments in the city.
- to get feedback from the council on the draft land use and licensing proposals developed by the ORC and to determine the general direction the city wants to pursue on this issue and to guide the ORC and PB on possible revisions to the proposal.

The Council, Debby Willis and Mark Eyerman discussed in detail with question and answer the pros and cons regarding the uses of marijuana. They discussed the differences between Medical Use and Recreational Use and the facilities that may be allowed within the City depending on ordinances recommended by the Ordinance Review Committee.

### ● CITY MANAGER REPORT

- All set

### ● CITY COUNCIL REPORT

Councilor Ault

- Shawn will be missed. It was a pleasure working with you.

Councilor Cusick

- Pleasure serving with Councilor Dolley.
- Good job to Public Works. Complaint on South Street not getting plowed.
- Tony LaPlante said it has been resolved.

Councilor White

- Not goodbye, but see you later Councilor Dolley. Thanks for serving.
- Invite everyone to Parade of Lights and the Johnson Hall Festival of Trees this weekend.
- Rotary Christmas Tree Sales is going on.

Councilor Berry

- It has been a pleasure Shawn.
- Wants an agenda item for financial support of Anne Cough for the Cemetery on West Hill Street.
- There is an abandon cemetery out on Brunswick Avenue that has been vandalized.

Councilor Rees

- Facebook survey regarding the intersection of Church Street and Water Street: 225 people responded. 44% voted for a red flashing light. 56% voted for a full four-way intersection light. I would like to see this on an agenda for further discussion.
- Thank you Shawn for serving and being so welcoming and generous with your knowledge.

Councilor Dolley

- It has been an amazing four years. The Council has been amazing. Thanks for being patient and thanks for the support received from City Staff.

Councilor Rines

- It has been a pleasure working with Councilor Dolley.

Mayor Hart

- Thank you Councilor Dolley
- Wreaths across America
- A Bicentennial Lecture on 12/05/2019 at 6:30pm in the children's room at the Library (Matt Dunlap)
- Councilors received the first of the monthly updates from Department Head's
- Wished everyone a Happy Holiday

● **EXECUTIVE SESSION**

Executive Session pursuant to M.R.S.A § 405 (6)(D): Union Negotiations

Rescheduled until the January 08, 2020 Council Meeting.

● **ADJOURN**

Councilor Berry moved to adjourn.

Councilor Dolley seconded.

Mayor Hart asked for any discussion. Seeing none. All those in favor. Unanimous 8:09pm.

*(Draft minutes until the January 08, 2020 Council Meeting)*