



**GARDINER CITY COUNCIL
AGENDA ITEM INFORMATION SHEET**



Meeting Date	05/10/2023	Department	City Manager
Agenda Item	6b. Approval of Council Minutes		
Est. Cost			

Background Information	<p>Please see the minutes from the May 10, 2023 and May 17, 2023 regular meeting of the City Council</p>
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Requested Action	"I move to approve the minutes from the May 10, 2023 and May 17, 2023 regular meeting of the Gardiner City Council."
City Manager and/or Finance Review	City Manager Approves this 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 _____



COUNCIL MEETING
Meeting Minutes
GARDINER CITY COUNCIL
WEDNESDAY, May 17, 2023

Mayor Hart brought the meeting to order at 6pm.

- 1. ROLL CALL / PLEDGE OF ALLEGIANCE-** City Council Present: Mayor Hart, Councilor Greenleaf, Councilor Cusick, Councilor Berry, Councilor Brown, Councilor West, Councilor Grant and Councilor Frey. Also present: Andrew Carlton- City Manager, Denise Brown- Finance Manager, Melissa Lindley- Economic Development and Public Information Officer, Todd Pilsbury- Chief of Police, Doug Clark- Director of Wastewater, Rick Sieberg- Fire Chief, John Cameron- Director of Public Works, Dawn Thistle- Library Director, Kris McNeill- Code Enforcement Officer, Jessica Lowell- Kennebec Journal, Tamara Whitmore- Gardiner Main St., Mike Miclon- Johnson Hall, Devan Eaton- DOT, Ingrid Stanchfield- Boys and Girls Club, and Angelia Christopher.
- 2. PUBLIC COMMENT:** Julian Kennett lives on Dresden Ave. He feels that there are some residents that are not cautious enough about open fire pits. He sees some very close to homes, foliage, etc. and worries about fires. City Manager Carlton will work with him on this.
Zach Wanberg lives on Church St. He expresses that he understands that McKay Park was just revitalized, but he questions why the back entrance is not handicap accessible. He feels that a ramp to the back side of the park should be there. Mayor Hart explains that the architect that designed the park, showed due to the steepness of the grade, in order to meet code, an accessible ramp would have to extend significantly into the parking lot. The front of McKay Park is accessible, with handicap parking right in front of the entrance.
- 3. PETITIONS / PUBLIC HEARINGS:**
 - a. Public Hearing regarding changes to City Code 17.5.3.1 regarding barking dogs-
Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.
 - b. Public Hearing regarding changes to the Land Use Ordinance regarding Demolition Delay 4.4.2
Mayor Hart opened the public hearing at 6:15pm, there being no comment, she closed the public hearing at 6:15pm.
 - c. Public Hearing regarding changes to the Land Use Ordinance 10.24.6.5.7 Signs in Traditional Downtown –
Mayor Hart opened the public hearing at 6:16pm, there being no comment, she closed the public hearing at 6:16pm.
 - d. Public Hearing regarding a Cannabis Cultivation License Renewal for Johnnie Wu Organic -
Mayor Hart opened the public hearing at 6:17pm, there being no comment, she closed the public hearing at 6:17pm.

e. Public Hearing regarding a Liquor License and Outdoor Consumption permit for the Table Bar LLC –

Mayor Hart opened the public hearing at 6:18pm, there being no comment, she closed the public hearing at 6:18pm.

4. NEW BUSINESS

a. Presentation from Maine DOT Regarding the Gardiner/Randolph Bridge resurfacing project in 2024- Devan Eaton- DOT is here to present information on this project, which is expected to happen Summer of 2024. Crews will work to replace the wearing surface and any joint rehab as needed. DOT presented options for travel impact. Night work is optimal, but difficult to staff, so that will not likely be an options. DOT would like to do a 30-day directional detour with incentives to get this project done quickly. They understand that there will be impacts and are working finding solutions. There will be public hearings in early June, for the general public to ask questions, and express concerns. Mayor Hart points out the Iron Man will be coming back next year, and also the Great Race. These are two very important areas that need to be considered. Councilor Cusick asks about the safety of closing down one lane of the bridge completely. Gardiner works with other communities to support rescue and fire. DOT is working on this, but suggests that perhaps Gardiner can coordinate with other communities and mutual aid. This will take some coordination, but they will work on ways to remedy this concern. The bridge was resurfaced in 2008 and DOT wants to avoid the impacts that can arise from a bridge closure as much as possible.

b. Second Read of Changes to City Code 17.5.3.1 regarding Barking Dogs-
Action- Councilor Cusick moves to approve the changes to the City Code- 17.5.3.1 in regards to barking dogs. Councilor Greenleaf seconded the motion. No further discussion. All in favor.

c. Second Read of Changes to the Land Use Ordinance (4.4) regarding Demolition Delay-
Action- Councilor Brown moves to approve the changes to the LUO, in regards to Demolition Delay- 4.4. Seconded by Councilor Grant. No further discussion. All members in favor.

d. Approval of a Cannabis Cultivation License Renewal for Johnnie Wu Organic
Action- Councilor Cusick moves to approve the Cannabis Cultivation License Renewal for Johnnie Wu Organic. Seconded by Councilor Frye. No further discussion. All in favor.

e. Second read of Changes to Land Use Ordinance (10.24.6.5.7) regarding Signs in the Traditional Downtown.
Action- Councilor Greenleaf moves to approve the changes to the Land Use Ordinance in regards to signs in the traditional downtown.10.24.6.5.7. Seconded by Councilor Cusick. No further discussion. All in favor.

f. Approval of a Private Road Name- Rolling Dam Lane from 240 Marston
Action- Councilor Cusick moves to approve the name of a private road changed to Rolling Dam Lane at 240 Marston Rd. Seconded by Councilor Greenleaf. No further discussion.

g. Approval of a Large Event: Gardiner Area High School Post Graduation Activities on June 10th and waive all fees
Action- Councilor Greenleaf moves to approve the large event on June 10th for the Gardiner Area High School Post Graduation Activities and to waive all fees associated with the approval of the event. Seconded by Councilor Berry. No further discussion. All in favor.

h. Approval of changes to Mechanic Street to accommodate large vehicle parking. The bump out will be removed, and infrastructure fixed/updated. The purpose of these changes is to allow for large vehicles (tour buses) to be able to park behind Johnson Hall. When those spots are not being used for larger vehicles, there will be 4 additional parking spots to be used.

Action- Councilor Berry moves to approve the changes to Mechanic Street to accommodate large vehicle parking. Seconded by Councilor West. No further discussion. All in favor.

i. Department Head Reports

Councilors thank Department Heads for all their hard work.

1. OLD BUSINESS

a. FY24 Proposed Budget Continued – Representatives from Gardiner Main Street, Johnson Hall, and the Boys and Girls club presented information to support their budgetary requests.

Finance Director Brown and City Manager Carlton gave an overview of the revenue side of the budget.

Discussions about TIF's, the Downtown Master Plan, paving, and equipment purchases happened.

The current timeline for the budget is to have another review meeting/public comment on May 31st. If all moves forward the budget will go for first read on June 7th, and second read/adoption on June 14th.

Councilor Berry would like to see some creativity for a citywide reassessment, possibly from fund balance.

Other Councilors feel that using fund balance is not necessary. Curt Lebel- City Assessor, will be invited to the next meeting to over further insight into this process.

Councilor Frey- The years of deferred maintenance on the city roads have taken their toll, and infrastructure needs to come back on track.

Budget discussions will resume on 5/31 at 6pm.

2. PUBLIC COMMENT

a. A time for Public Comment regarding the FY24 proposed Budget-

Zachary Wanberg- Church St. He has a few questions. After the upcoming purchases previously discussed, what will the balance be of the ARPA funds? Finance Director Brown states that the balance of this account will be less than a thousand. He asks how the police and fire budgets work with mutual aid. Chief Pilsbury explains how mutual aid works, and how the budgets for those accounts are determined. He asks about the Palmer fountain, and how the city funded that project. The City agreed to

pay for the engineering for the project, but the funds for the restoration were covered by a substantial fundraising event.

3. CITY MANAGER REPORT- City Manager Carlton reports that there has been a lot going on in the City. Flood cleanup is wrapping up, and hit areas are looking good. They are currently waiting on an engineer report on Harrison Ave. so they can issue an RFP and get this repaired. The final draft for the facilities study is underway, and they hope to have those results soon. The deadline for the Palmer Fountain RFP has been extended a couple of weeks. There is approximately 700' of compromised clay pipe that will need to be repaired on Church St. An RFP for these repairs will be sent out soon. He will be on vacation next week, but will be available for questions if needed.

4. CITY COUNCIL REPORT-

Councilor West- No updates right now.

Councilor Cusick- No updates right now.

Councilor Berry- No updates right now.

Councilor Frey- No updates right now.

Councilor Greenleaf-Thanks Public Works for fixing the roadway at Walnut St. and for also blasting the material built up at the dam with a firehose, to get the water running freely again.

Councilor Brown- Has no updates at this time. She asks General Assistance, and when they will receive the updates again.

Councilor Grant- No updates right now.

Mayor Hart- The city is busy right now. The Art Walk is this Friday, the Library is hosting a plant sale and silent auction Saturday. The Memorial Day parade will be held at 10 am May 29th. City Council will be having an extra meeting, May 31st to review the FY24 budget. Mayor Hart expresses how good the building looks and thanks Heather MacMaster for its spic and span condition. She also commends Gardiner Rescue for assisting an older couple recently with an emergency. The couple called the mayor to report how kind and understanding EMT staff were.

5. EXECUTIVE SESSION

a) 1 MRSA 405(6)(A)-Evaluation of the City Manager-

6. ADJOURN



2023 MEETING DATES

5/31/23
6/7/23
6/14/23
7/5/23
7/19/23
8/2/23
8/16/23
9/6/23
9/20/23
10/4/23
10/18/23
11/1/23
11/15/23
12/6/23
12/20/23



**COUNCIL MEETING
Meeting Minutes
GARDINER CITY COUNCIL
GARDINER CITY COUNCIL CHAMBERS
WEDNESDAY, May 10, 2023
6:00 PM PUBLIC MEETING**

The meeting was called to order by Mayor Hart at 6pm.

1. ROLL CALL / PLEDGE OF ALLEGIANCE-

City Council Present: Mayor Hart, Councilor Greenleaf, Councilor Cusick, Councilor Berry, Councilor Brown, Councilor West, Councilor Grant and Councilor Frey.

Also present: Andrew Carlton- City Manager, Denise Brown- Finance Manager, Melissa Lindley- Economic Development and Public Information Officer, Todd Pilsbury- Chief of Police, Doug Clark- Director of Wastewater, Rick Sieberg- Fire Chief, John Cameron- Director of Public Works, Dawn Thistle- Library Director, Kris McNeill- Code Enforcement Officer, Kathy Cutler- City Clerk, Jessica Lowell- Kennebec Journal, Tamara Whitmore- Gardiner Main St., Debby Willis, Robert Abbey, Dorothy Washburn, and Angelia Christopher.

2. PUBLIC COMMENT – no comment right now.

3. PETITIONS / PUBLIC HEARINGS)

a) Public Hearing regarding changes to City Code 17.5.3.1 regarding barking dogs.

Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.

b) Public Hearing regarding changes to City Code 5.2.2 regarding non-conforming cannabis establishments.

Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.

c) Public Hearing Regarding changes to the Land Use Ordinance regarding Demolition Delay 4.4.2.

Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.

d) Public Hearing regarding changes to the Land Use Ordinance 10.24.6.5.7 Signs in Traditional Downtown

Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.

e) Public Hearing regarding changes to the Land Use Ordinance 10.26 regarding Electric Fences

Mayor Hart opened the public hearing at 6:10pm, there being no comment, she closed the public hearing at 6:10pm.

4. NEW BUSINESS

a. Palmer Fountain Design- Robert Abbey is here to discuss this project. Landscape Architect Tom Farmer has done a great job designing this restoration project. There is an RFP out, and the City is waiting for those bids. Robert Abbey reports that this is an important restoration of a historic remnant from long ago. It will be nice to see it done. Mayor Hart thanks Mr. Abbey for all his hard work on this project.

~~b. Presentation from Doug Clark regarding Phase II of the Wastewater Plant Upgrades- This will be reviewed at another time.-~~

c. First Read of Changes to City Code 17.5.3.1 regarding Barking Dogs- ORC and PB Chair Debby Willis and CEO Kris McNeill are here to answer any questions. This change will be made to the City Code.

Councilor Berry moves to approve the changes in the city code- 17.5.3.1- and moves to second read on 5/17/23. Councilor Cusick seconded the motion. No further discussion.

d. First Read of Changes to the City Code 5.2.2 regarding Cannabis Establishments- This was brought up for instances when a Cannabis business closes, and another business wants to come into that spot. Councilor Berry would like the wording reviewed further. There could be exceptions, which a business owner had to leave site that should be included in the verbiage for this provision. All agree that this should go back to ORC for further work.

Councilor Berry moves that this go back to ORC to review and address exceptional instances. Councilor Frye seconded the motion. No further discussion. All in favor.

e. First Read of Changes to the Land Use Ordinance (4.4) regarding Demolition Delay- This will be on the list for permits required. The purpose of a demo delay is to give any potentially historically significant structure more time to be reviewed to see if it can be saved or if there is any interest.

Councilor Cusick moves to approve changes to the Land Use Ordinance 4.4 and move to second read on May 17, 2023. Councilor Greenleaf seconded the motion. No further discussion. All in favor.

f. First read of Changes to Land Use Ordinance (10.24.6.5.7) regarding Signs in the Traditional Downtown. This is just a slight amendment for signs in the downtown area. Because of the rules for signs in the Historic District, this change applies to just 2 buildings.

Councilor Greenleaf moved to approve the first read for changes to the LUO- 10.24.6.5.7 and send for a second read. Seconded by Councilor Brown. No further discussion. All members in favor.

g. First Read of Changes to the Land Use Ordinance 10.26 regarding Electric Fences- this took a lot of work to end with a sentence. The outcome is it needs to be 10' from the property line. Went from ORC and PB changed it. ORC wanted it not allowed in TD, HDR, and PR. They went with what was the overall want, and they came up with this. Pat wants to know what they were thinking, TD cannot happen, HDR has some larger lots, and used for agriculture. Adding definition, include, does not include dog fences. Pat suggested a change to go back and set a lot size on HDR. Next time. Kris will look at how many lots are over 2 acres. Revisit at investigating an amendment. There will have to be another hearing after the 17th.

Greenleaf moves to send it back to ORC for further investigation. Councilor Brown seconded the motion. No further discussion. All in favor.

h. Approval of Council Minutes for 4/19/23-

Councilor Cusick moves to approve minutes from April 19, 2023. Seconded by Councilor Brown, no further discussion. All in favor.

i. Approval of a Victualers License for Bao & Beyond/Mala's Food Services LLC-

Councilor Brown moved to approve the Victualers License for Bao & Beyond/Mala's Food Service LLC. Seconded by Councilor Cusick. No further discussion. All in favor.

5. OLD BUSINESS

a) FY24 Proposed Budget Continued with Presentations from Individual Department Heads –Andy Carlton speaks to the budget being up minimally, with a significant amount of the increase being contributed to employee wages and benefits. All department heads gave an overview of their budgets for FY24. The budget discussion ended after department heads gave their presentations. The City Council will meet next week, 5/17, and will review the revenue side of the budget.

6. PUBLIC COMMENT

b) A time for Public Comment regarding the FY24 proposed Budget-
Zachary Wanberg- Church St. Mr. Wanberg reports that he needs more time to develop questions, and will be at the next Council meeting.

7. CITY MANAGER REPORT- City Manager Carlton reports that last week was eventful for Gardiner. He thanks Public Works, Buildings and Grounds, Wastewater, Public Safety and City Hall staff for all the work on this eventful time. Downtown businesses were hit hard when flood waters invaded the arcade parking lot, and the buildings there. Six- 30 yd. dumpsters were required for cleanup. The City overall came through the flood well. Harrison Ave will need extensive work to bring it back to full use. An application for assistance with Kennebec Valley FEMA, there are thresholds that need to be met at the county and state levels first. There is no definite time frame for repair yet, but it is being worked on. The flood left a mess at the waterfront, but damage was kept to a minimum. The docks were vertical at one point, but seem to have escaped any damage. The flood set spring cleanup back a week, so that crews

could work on flooding issues, but PW is back on task with clean up and doing well. During the flooding DOT closed the Main Ave bridge without any notice to the City. This caused a potential unsafe situation, and caused traffic to back up significantly.

The RFP for the demolition of 235 Water St. has been sent out. There will be a mandatory pre-bid inspection meeting on May 16th. The engineer that has been working on this project, Steven Govoni will be at this meeting to talk with contractors about the delicate nature of this project.

8. CITY COUNCIL REPORT-

Councilor West thanks the city manager for his updates on the storm and remediation.

Councilor Cusick- Great job as always, excellent team effort, He thanks Dept. heads for presentations on the upcoming budget.

Councilor Berry- agrees.

Councilor Frye- agrees.

Councilor Greenleaf thanks city staff for their work during the flood, Denise Brown and dept. heads for all their work on the budget. Thanks to the Mayor, who was out of town during the flooding event, and still kept up with what was going on. He did receive a complaint from a resident. Walnut St is a mess with spots of broken or no pavement and needs attention ASAP. The crosswalk light on Bridge St stays on way too long, and needs to be looked at. He reports that he has taken a few calls about the level of Cobbossee Stream. The dam is wide open, but the water remains high. There is a bunch of material on the dam that is probably clogging up the water's flow. The watershed itself has taken in massive amounts of water, it will take time to bring the levels to a manageable level. Lastly, there is a spot on the Marston Rd that there has been trouble with run off for years. This can be a hazard in the winter, as it freezes.

Councilor Greenleaf asks if this can be looked at for a remedy soon.

Councilor Brown agrees with other Councilors about work on the flood.

Councilor Grant echoes the sentiments of the others. Looking at patterns, these storms will continue. She feels that there should be some planning in place for disaster situations.

Mayor thanked all city staff and City Manager Carlton for stepping up and helping out. She appreciates the work on the upcoming budget. There are events to look forward to coming up. The art walk is May 19th, and there will be a Memorial Day parade. There will be a plant sale on May 20th, as well as a live auction. Proceeds will go to the Gardiner Library Association. The next Council meeting is the 17th. DOT will be coming to talk about the 2024 bridge project.

9. EXECUTIVE SESSION-

9a. 1 MRSA 405(6) (A)-Evaluation of the City Manager.

Councilor Berry moves to go into executive session at 8:32 pm. Councilor Cusick seconded the motion. No further discussion. All in favor.

10. ADJOURN

2023 MEETING DATES

5/31/23

6/7/23

6/14/23

7/5/23

7/19/23

8/2/23

8/16/23

9/6/23

9/20/23

10/4/23

10/18/23

11/1/23

11/15/23

12/6/23

12/20/23

1.