

**Gardiner City Council**  
**Wednesday, April 2, 2008**  
**City Council Chamber**  
**7:00 p.m. Business Meeting Minutes**

**1. CALL TO ORDER**

7:06 Mayor Andrew MacLean calls the meeting to order

**2. ROLL CALL**

All Councilors present except Councilors Chuck Leblanc and Mike Giberson .

**3. PETITIONS, COMMUNICATIONS, RESOLUTIONS & PUBLIC HEARINGS**

3.1 Consideration of Comments from the Public on Issues that Do Not Appear Elsewhere on the Agenda. No public comment

3.2 Public Hearing on Application for Liquor License for Auta Main and Marianne Roth, d/b/a Mad Dog Fine Wine and Ale House There was no discussion.

**4. CONSENT AGENDA**

4.1 Consideration of March 2008 Warrants

Councilor Rambo made a motion to accept March 2008 Warrants; Councilor Nickless seconded the motion. **VOTE:** Unanimous.

4.2 Consideration of Councilor Rambo to sign March 2008 Warrants

Councilor Rambo made a motion to accept; Councilor Hart seconded the motion

**VOTE:** Unanimous

4.3 Consideration of City Council to approve the minutes for 2/27 and 3/5

Councilor Rambo mentioned that he noticed a typo in one set of minutes Councilor Rambo made a motion to accept the minutes, Councilor Mentall seconded the motion.

**VOTE:** Unanimous

4.4 Consideration of Application for Liquor License for Auta Main and Marianne Roth of Mad Dog Fine Wine and Ale House.

Councilor Nickless made a motion to approve the Liquor License; Councilor Hard seconded the motion.

**VOTE:** Unanimous

4.5 Consideration of Dog Warrant

Councilor Hart made a motion to approve the Dog Warrant; Councilor Mentall seconded the motion, but asked if this is something that is done annually. Jeff Kobrock said yes, it is enforced each year.

**VOTE:** Unanimous

**5. OLD BUSINESS**

5.1 Consideration of Resolution 08-05 Authorizing Financing of Sidewalk Project  
Councilor Rambo suggested a tabling motion; Councilor Nickless made a second motion. This agenda item will be moved to the next council meeting. All of council needs to be present. **VOTE:** Unanimous vote to move the discussion to the next council meeting.

## **6. NEW BUSINESS**

**\*\*6.3 to 6.1 agenda item moved\*\***

### 6.3 Discussion of Professional/Residential District

Mayor MacLean mentioned there was a workshop last week to discuss the Professional/Residential District and asked if any of the councilors would like to speak, and then the meeting would continue with a public hearing.

Councilor Rambo said that there was great input from the public on this topic. He asked the council to take a good look at this before making the decision. He also mentioned that Pat Hart made some good points at the public hearing. He talked about amortizing non-conforming uses for a certain amount of time and discussed having standards. Councilor Rambo said that he firmly believes that there should be some modifications to the current business/residential district.

Councilor Hart spoke and said that he doesn't have a problem making a change, but he knows there is a group of people that are very against making any changes. He said that the zoning needs to be changed to appeal to everyone.

Councilor Nickless said that what he was hearing is that there were too many uses allowed, and the public wants to maintain the character of the community. Councilor Rambo mentioned that all over the city there are many non-conforming uses. The problem is that the code has not been enforced.

The Mayor asked Pat Hart to speak. She mentioned a couple of points raised about land use and the city. She mentioned the ordinance review committee has been discussing this issue. She spoke of Brunswick Avenue properties being mixed uses. She said as long as someone is living in a house, it is residential use. Just because there are apartments, they are not businesses, they are residential use. Ordinances help bring the non-conforming uses into conformity. Pat Hart also mentioned that 95% of the buildings on Brunswick Avenue are non-conforming. There are only two businesses that are not residential. She welcomed everyone to join these ordinance meetings to learn more. She welcomed everyone's input. She also suggested getting more help for code enforcement. There is only one code officer for the whole community.

Judy Dorsey from the Planning Board spoke and said that property owners can have events happen in their lives which can put their property uses out of compliance. Ordinances change and then things become non-conforming uses. Councilor Rambo mentioned the large multi-family units on Brunswick Avenue and said that these have existed before the code was put in place. Councilor Rambo also spoke of contract zoning.

Pat said that it was looked at in 2005, and it went to council. It was later dropped. The ordinance review committee is looking at contract zoning.

Dorothy Washburn spoke and said that she was at the last meeting and has given a lot of thought to this. She said that a gentleman made a point that there were a lot of larger homes that people could not sustain, and that's why there is so much multi-family use. She said that these have all been multi-family for years and there has been no change. She also noticed that a lot of the larger homes have been fixed up. She mentioned that there are so many empty stores downtown, and businesses coming to the community need to look at this. There is also the Cobbossee District which new businesses could look at. She said that the zoning changed, but nothing else did. She can't see opening up this high density residential neighborhood to business.

Mandy Darvoux from Tre-Level Salon spoke and mentioned that she has searched for the perfect project for her business, and couldn't afford to purchase a business downtown. There is no parking downtown and she liked where she is located. She stated her current location is tranquil and calming. She said her clients can walk downtown to do their business. She thinks her business will bring more people to downtown.

Phil Barter spoke and read the City's downtown definition. He asked "where does the downtown stop?" He said "do we want to create a new district to compete with the downtown businesses?" If the city is going to change the zoning to open all of these business uses, Brunswick Avenue is going to lose its character and residential feel. You have to look at the big picture.

Mandy Darvoux spoke again and stated that she was told before she bought the property that she would be able to run her business out of the building, but when she went to get her permits she was told no. She needs to know how this will be structured before she spends more money on her building. Councilor Rambo asked Mandy who told her that she would be able to run her business in the building before she bought it. She said that it doesn't matter because she didn't get it in writing, and her attorney told her she should have done that. Mandy also asked the council the meaning of contract zoning.

Pat Hart explained. Pat also talked about the former business that was in Mandy's building, Mother's Attic, never got the proper permits to run that business. Mandy said that she doesn't want to move her business, but she may be forced to move and set up shop somewhere else. She asked for help from the Council to structure something to make this work.

Councilor Rambo spoke and asked Pat Hart and Judy Dorsey about the home offices and how that fits in the code. Jeff Kobrock cautioned Rambo about mentioning specific situations and not to make assumptions and jump to conclusions about specific businesses.

Councilor Blanchard mentioned that he has picked up a lot of points from this discussion and prior meetings. He asked if we could change city ordinance instead of the zoning.

That should be looked at, and we should make this priority for economic development. We shouldn't eliminate development elsewhere.

Phil Barter spoke and said that the Canopy issue was a valid permit issued, and the City didn't appeal this in the appropriate time. This did not conform to the city's ordinance, and the appeals time expired. Pat Hart spoke and asked council how the city prioritizes these ordinance issues. She feels like all that she talks about is Brunswick Avenue. How do we prioritize things so that the community benefits and makes more progress? How do we make these ordinances work for everyone?

Mayor MacLean said that is why we try to keep the ordinance committee active and engaged. The Mayor mentioned we should wrap this up.

Phil Barter spoke again and mentioned that the original comprehensive plan called for a commercial overlay district. The City decided that residents do not want a commercial Western Avenue type district in Gardiner, and what was decided was a professional district as it is now. The people would like to see Brunswick Avenue maintain a residential appearance. His biggest objection on the professional/residential district is that any type of business is going to affect the resident's and the character of the neighborhood. Most of the businesses are open at 9:00 in the morning until 5:00 at night. Office space makes good neighbors because of their hours and works in residential properties.

Mayor MacLean asked for final thoughts from Council. Councilor Rambo spoke and said that this was an excellent discussion, and said that the council has some excellent questions to discuss.

#### 6.1 Report on Recycling Study Committee

##### 6.2

Mayor MacLean announced that Judy Dorsey will speak of the Recycling Study Committee. She gave an update. She said that there was a meeting last May with some citizens interested in working on a recycling program. She described the committee. She said that Hatch Hill will be full at some point, and everyone using it should look at different ways to get rid of our trash. Her estimate is that Hatch Hill will be full in the year 2020. They have hired a consultant to help with this plan. Things are progressing really well now. She's working with Deirdre Berglund to add the Committee's Meeting Minutes to the Gardiner Website. The committee is touring other facilities around the state to put the program together. By mid-fall they hope to have a recommendation. They are looking at this for all communities' that are using Hatch Hill Landfill to start recycling.

Councilor Blanchard asked what standard did they use to decide as to when Hatch Hill will be full. Judy stated that the committee has studied how much waste and what type has been brought in over a period of time to determine this. Judy said that we need to extend the landfill as long as we can, or it will be extremely expensive to get rid of trash. The city of Gardiner spends over 1million dollars each year to get rid of their trash. It was mentioned that Gardiner residents are not getting good recycling services. The system needs a big fix. Councilor Blanchard asked if the state could take on this issue

instead of the towns. Judy said that they would probably not have time to take this on efficiently with all of the budget issues. Councilor Blanchard thinks the state takes a stand on what needs are, not budgets, but something needs to be done.

Councilor Hart said that he likes the way the trash is picked up in the city. People have the choice on what they want to do. He believes that this keeps prices down. He pays less than 1\$ a bag. He thinks the haulers are competing against each other, and it keeps his price low. Judy is just suggesting that there may be more efficient ways to get rid of the trash. Phil said that he recycles with his hauler, which reduces his cost. Phil said that people are busy, and they don't have time to recycle. Judy said that there is no incentive to recycle in Gardiner.

Councilor Nickless stated that he was glad to hear that this is being studied. His problem is that the collectors are not taking enough.

Phil Barter mentioned that we may not have the luxury of going to Augusta to dump our trash if this keeps up. Riverside and other haulers will charge more when Hatch Hill is no longer an option.

Ken Holmes asked the question if the City discusses ways to recycle with the community. Is there any communication from the city on how to recycle certain things?? Judy said that each hauler takes different things, so the city can't put out any information because there no consistency between haulers. There is no code that requires any consistency.

Nancy Rines spoke and said that she attended this meeting to hear Judy speak, but wanted to mention that she said the community needs to get moving on recycling. She said that there are a lot of people in the community ready and willing to recycle.

Nickless stated that communication is non-existent with the haulers. Ken Holmes asked council if they could talk to the haulers and tell them that they need to collect in a certain way. Judy said that it was decided not to do this because of the difficulty. It would be easier to put a community plan in place.

The Mayor mentioned that he knows Judy will work hard to get this put in place. He also stated that he has heard from many people in the community that want to recycle. Nickless commented that the last two meetings have been great, and he is excited about the community attendance. He thanked members of the public.

### 6.3 Consideration of Report from the Organizational Analysis Task Force

Frank O'Hare introduced himself and to report to the community about the Organizational Analysis Task Force. This Task Force has experience with commercial new technology and different business ideas for the region. He said that the two things that are being looked at right now are monthly billing for sewer for residents, and wireless service in the community. He spoke of the benefits of the monthly billing. He spoke of savings and additional costs. He asked the council if they would be interested in spending some time on this. The second piece is municipal Wi-Fi. The motivation in

getting involved is that it is a way of transforming government, public safety etc. to be able to provide more services.

Brian Blanchard mentioned that he thought both were great ideas, but asked for details on how the sewer billing would work. Dee Berglund and Frank O'Hare explained. Brian said that it sounds like there would be a lot of hurdles. Jeff Kobrock spoke and said that this is a very complicated task, and that good research has been done, but without a real commitment from staff and outside resources it will be really hard to advance this to the next level. The council needs to decide if this is worth moving forward.

Mayor MacLean asked council to discuss the monthly billing issue. Councilor Mentall said it is an interesting idea, but people should be allowed options, and if they want to pay monthly should pay extra to defray the cost of collection.

Councilor Hart said that council needs to investigate this to find out if there will be a real cost savings to the city. He suggested a workshop to discuss this.

Jeff Kobrock said that he will come to Council with a project development plan for each of these to help everyone understand what they are committing to. Brian asked if we could include this in the budget process, and Jeff said that we could. Mayor MacLean said that his initial reaction to this one is that the timing is not right for this, both because of potential public reaction, and the re-evaluation. The Mayor then asked Council if there were any comments regarding Wi-Fi.

Councilor Rambo said that he is definitely interested in this and thinks this would be an asset to the community, but we need people that are more technology savvy to give some input on this before a decision could be made.

Councilor Rambo made a motion to accept the report from the organizational task force and the city manager to put together reports on both; Councilor Hart seconded the motion.

Jeff mentioned making this part of the goal statement and the budget process. Nickless mentioned this has been part of the goal statement right along. The Mayor mentioned it sounds like the Wi-Fi would take less staff time and more outside resources.

**VOTE:** Unanimous to accept the Report from the Organizational Analysis Task Force.

## **7.0 CITY MANAGER REPORT**

Jeff Kobrock, City Manager spoke and reminded everyone of the Open House to explore Gardiner City Services on Saturday from 9:00 until noon for the public. He said that the Council will get a facility tour. He has asked the group to look at the bundled projects in a comprehensive way. They will make final recommendations to the Council. There will be an update on May 7<sup>th</sup> regarding the bundled projects. Jeff Kobrock said that the city has bought their first hybrid vehicle. Chuck Applebee has purchased this. Jeff said that Council has been invited by the School Board for a budget meeting next Wednesday.

There is a very substantial gap and the board would like to talk with all elected officials in the community. Jeff said that nothing in writing has been provided; and that he would contact the board and ask for materials.

Jeff said that he was considering changing the bond work meeting to John Larouche instead of Eaton Peabody because they seem overbooked, as long as no one objects. Mayor asked if there were more local options than John. Jeff is also thinking of bidding insurance this year. Even though it is extremely difficult he is thinking of doing it. He is also of thinking of hiring a consultant to work with him on this. It may be late this year, but he would like to pursue this and let Council know. Jeff will be gone April 15<sup>th</sup> through the 25<sup>th</sup>. Senior management will be covering in his absence.

## **8. COUNCIL DISCUSSION**

Councilor Rambo commented that the minute's timeliness has improved and he thanked Jeff Kobrock and Lori Jewell. He also mentioned that there should be public notice every time the council holds a workshop. There should be public notice about the budget workshop.

Councilor Nickless stated that Gardiner Main Street invited him to participate on their board. The spoke of the Farmer's Market and the Winn Symphony Orchestra. He will pass information to the council as he gets it.

Councilor Mentall mentioned First Park and asked Jason some specific questions. She has heard that they are becoming competitors of Libby Hill in Gardiner and she is concerned. Jason said that they are looking at the covenants, and if this goes against what is written when the project was organized, then they will need to change the covenants. There is a committee working on this. Jason said that he is participating in these meetings and will keep the council informed. Councilor Mentall said that if they have not adhered to the covenants this will be a direct out for the City. Brian told Martha that he has asked our staff to investigate and make sure that the rules have been followed on this project. If any of the rules have not been followed, this could be an out for Gardiner.

Councilor Blanchard mentioned that he believes that law stated in order to approve a project like First Park, there needs to be an election. The mayor asked if Councilor Blanchard and Councilor Mentall are satisfied with the investigation for the time being.

Councilor Hart said that he is concerned about Libby Hill and the parking. Is there any way that we can get these people to comply? Jeff asked if these people are parking to go to the cemetery. Phil thinks that these are people residents of Libby Hill parking their extra cars. Police Chief James Toman said that he has been called on this already because of a safety issue, so he is aware of the situation. Councilor Hart also mentioned that maybe code should put some sort of packet together to explain the zoning in Gardiner. He asked "Is there a way to give people information before they buy a property in Gardiner?" Jeff said that this may be possible, but Mandy's situation is extremely specific and this doesn't happen often. Phil said that maybe we should educate the realtors. Mayor MacLean said that there is a wealth of information on our website and

people should be able to do their own research. Councilor Hart said that maybe there could be an online checklist on our website for new Gardiner residents.

Councilor Blanchard said that he didn't understand Mandy's situation. Councilor Nickless explained that she was using too much square footage for her business which doesn't meet code. She's upset because the antique business was able to be run with no problem.

Mayor MacLean ended the discussion and asked Council if they were ready to go into executive session. Councilor Rambo made a motion to go into executive session. Councilor Hart seconded the motion. All were in favor to go into executive session at 9:45pm.

Executive Session concluded at 10:30 p.m.  
Meeting is adjourned.

Respectfully,

Lori Jewell  
Assistant Clerk

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