



Sanford City Council

City Council Meeting Minutes – February 2, 2016

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, February 2, 2016. Those present were: **COUNCILORS:** Mayor Thomas P. Cote, Councilor Maura A. Herlihy, Councilor Joseph R. Hanslip, Councilor Fred W. Smith, Councilor Victor E. DiGregorio, Councilor Lucas J. Lanigan and Councilor John L. Tuttle, Jr. **CITY STAFF:** Sherry Lord, Executive Assistant; Paula Simpson, City Treasurer & Tax Collector, Shirley Sheesley, Code Enforcement Officer and Beth Della Valle, City Planner.

Mayor Cote called the meeting to order at 6:15pm.

The session began with the Pledge of Allegiance followed by a moment of silence.

Roll Call:

Mayor Cote performs the Council Roll Call: Councilor Tuttle, present; Councilor Lanigan, present; Councilor DiGregorio, present; Councilor Smith, present; Councilor Hanslip, present, and Deputy Mayor Herlihy, present.

Minutes

Regular Meeting: January 19, 2016; Councilor Smith moved to approve, seconded by Councilor Hanslip. The City Council voted 7-0 to approve.

Mayor's Reports/City Council Sub-Committee Reports

Mayor Cote reported on a meeting that he attended with City Staff and Citizens with delegation from Senator Chellie Pingree's office. He also thanked Pam Lydon, Assistant Principal of the Sanford Junior High for asking him to attend an assembly with Army Staff Sergeant Travis Mills. He also thanked the Sanford Police Department for their presence at the assembly.

City Manager's Report

(Attached)

Communications/Presentations

Public Participation

Margaret Trowbridge – She found an old annual report from 1999. She noticed that we have had 39 police officers forever. She suggested that as police officers retire the City should fill their vacancy with two new officers.

Public Hearings

The City Council will take public comment on the following:

1. A public hearing for an application for liquor license renewal for the American Legion Post #19, 656 Main Street, Springvale, ME. Mayor Cote declared the public hearing open at 6:28pm. There was no one to speak for or against. The public hearing was declared closed at 6:28pm.
2. A public hearing for an application for liquor license renewal for Nuvo Art Bar, LLC., 6 Washington Street, Suite D, Sanford, ME. Mayor Cote declared the public hearing open at 6:28pm. There was no one to speak for or against. The public hearing was declared closed at 6:28pm.
3. A public hearing to consider the abandonment of five (5) properties, pursuant to 30-A MRSA §3106-A. If the Council finds that the properties are abandoned, they may regulate the care, maintenance, and security of the properties. Costs incurred by the City will be due by demand within 30 days or recovered by the assessment of a special tax.
 - a) **209 Brook St ~ Map I26 – Lot 14** Mayor Cote declared the public hearing open at 6:29pm. Shirley Sheesley, Code Enforcement Officer showed pictures of the property and has also not had any response from the property owner. Councilor Smith explained that twice in the last year he has contacted the police department because the front door has been open. Jamie Devoe, a neighbor explained that the roof is caving in. There have been break-ins in the past. There was no one else to speak for or against. The public hearing was declared closed at 6:37pm.
 - b) **357 Sam Allen Rd ~ Map R22 – Lot 23A** Mayor Cote declared the public hearing open at 6:38pm. Shirley Sheesley showed pictures and described the issues with the property. Councilor Smith explained that he worked at an adjacent property and there were 50-100 chickens living on the property. Christina Tranchemontagne, abutter of the property. The owner has not been at the property since October of 2012. She states that the vehicles have been there for the last 4-5 years. She also stated there is a lot of trash under the house and around the property. There are broken windows and raccoons living in the house. There was no one else to speak for or against. The public hearing was declared closed at 6:44pm.
 - c) **54 Mill St ~ Map J14 - Lot 11** Mayor Cote declared the public hearing open at 6:44pm. Shirley Sheesley showed pictures and described the issues with the property. No one is living on the property. Davis Martin, Owner of the property has taken out a building permit to fix up the property. He is trying to fix the roof from a previous fire. He is hoping to have the property livable by this spring. There has been clean up of the property by the owner. There was no one else to speak for or against. The public hearing was declared closed at 6:54pm.
 - d) **12 Bougie Ln ~ Map I29 – Lot 65** Mayor Cote declared the public hearing open at 6:55pm. Shirley Sheesley showed pictures and explained that there was a fire at this building. Major fire damage is the issue. There are windows

boarded up and broken. A lot of growth around the building and furniture in the back yard. There has been no response from the property owner. There was no one else to speak for or against. The public hearing was declared closed at 6:57pm.

e) **2 Henry Ave ~ Map L28 – Lot 44** Mayor Cote declared the public hearing open at 6:58pm. Shirley Sheesley showed pictures of the property and explained that the major issue with this property is the trash. She stated this is a vacant building. There was no one else to speak for or against. The public hearing was declared closed at 7:00pm.

4. A public hearing to consider the following revisions to the City's Zoning Ordinance in order to regulate the production of Maine medical marijuana production as follows: Mayor Cote declared the public hearing open at 7:01pm. Marge Trowbridge of Sanford asked if the City would be receiving any revenue from the production of marijuana. She complained about the smell by the mills. Durwood Parkinson representing care givers from 72 Emery Street. Thanked Beth Della Valle for being accommodating and to the City Manager for his contact. He is asking that the City take a look at the legality of the ordinance. He made reference to a court case from the City of York, ME. He questions whether the State preempted this section of the law questioning where the Towns have the authority. He feels that is it discriminating against a certain demographic of business owners. Councilor Smith voiced his concerns. City Manager Buck explained that the City's attorney firm is the same firm that is dealing with the York, ME lawsuit. We are doing our due diligence as a community to ensure that we are putting forward an ordinance that will address major concerns. Peter Tranchemontagne a registered caregiver and a card holder. He is concerned that if there are inspections there is risk of contamination to the plants. Dave Hussey of Hancock Lane states that the smell is terrible. He feels that there needs to be rules and they need to be followed up on. Dianne Connolly has concerns that her neighbor is going to be allowed to grow. She is concerned about her safety as a private citizen. Phil Chabot asked what the contingency plan is for someone growing outside on their property. David Hopkin of Acton stated that there are no pesticide approved for growers to protect their crops. Hilary Lister of Acton works with Caregivers. She stated that legislature is going to be voting on licensing on February 10th. There was no one else to speak for or against. The public hearing was declared closed at 8:06pm.

1. Allow medical marijuana home production by a Maine medical marijuana registered patient in his or her primary residence as an accessory use in all zones in conformance with standards described in §280-95.A.-J.;

2. Allow medical marijuana home occupation by a Maine medical marijuana primary caregiver in his or her primary residence as a home occupation in all zones in conformance with standards described in §280-95.A.-K., including the requirement for an annual inspection for compliance with

municipal building, electrical, fire, and other health safety and technical codes, including, but not limited to Chapters 90, 128, and 291;

3. Allow medical marijuana production facilities as a permitted use in the Airport Development, Industrial Business, and Rural Mixed-Use Zones and as a conditional use in a newly designated Medical Marijuana Urban Overlay Zone in conformance with standards described in §280-95.A.-J. and L., including the requirement for an annual license from the City Council in conformance with Chapter 149 §§1-8.

Consent Agenda

Mayor Cote sought comments or concerns regarding the following items. There were no comments or concerns. Consent agenda items were approved.

16-16.01 Ordered, to approve the following license request:

1. An application for liquor license renewal and two blanket letters to operate Games of Chance (Meat Raffle and 5 video Poker games) for the American Legion Post #19, 656 Main Street, Springvale, ME.
2. An application for liquor license renewal for Nuvo Art Bar, LLC., 6 Washington Street, Suite D, Sanford, ME

Old Business

New Business

16-17.02 Ordered, to make appointments to board and committees. (Sanford Sewerage District, Sanford Housing Authority, ZBA) Deputy Mayor Herlihy moved to appoint Kevin Eaton to the Sanford Sewerage District, Seconded by Councilor Lanigan. The City Council voted 7-0 to approve. Deputy Mayor Herlihy moved to appoint Danielle Clarke to the Sanford Housing Authority, Seconded by Councilor Lanigan. The City Council voted 7-0 to approve. Deputy Mayor Herlihy moved to appoint Paul Demers to the Zoning Board of Appeals, Seconded by Councilor Lanigan. The City Council voted 7-0 to approve.

16-18.03 Ordered, to discharge the Tax Collector from obligation to collect unpaid personal property taxes from 2002 through 2007 that are either too small or too burdensome to collect economically and to authorize the Tax Collector to remove these taxes from the municipal books. Paula Simpson addressed the council. She asked for the discharge and explained why. A total of 91 individuals in the amount of \$28,706.94 Deputy Mayor Herlihy moved to approve, seconded by Councilor Hanslip. The City Council voted 7-0 to approve.

16-19.04 Ordered, to consider the status of abandonment of five (5) Properties under

the definition of Title 30-A MRSA Section 3106-A and to take such actions as allowed to address the detrimental effects of properties determined abandon.

a) **209 Brook St ~ Map I26 – Lot 14** Deputy Mayor Herlihy declared abandoned per section A, C, D, F & G, seconded by Councilor Hanslip. The City Council voted 7-0 to approve.

b) **357 Sam Allen Rd ~ Map R22 – Lot 23A** Deputy Mayor Herlihy declared abandoned per section A, C, D, F & G, seconded by Councilor Hanslip. The City Council voted 7-0 to approve.

c) **54 Mill St ~ Map J14 - Lot 11** No action taken

d) **12 Bougie Ln ~ Map I29 – Lot 65** Deputy Mayor Herlihy declared abandoned per section A, C, D, F & G, seconded by Councilor Lanigan. The City Council voted 7-0 to approve.

e) **2 Henry Ave ~ Map L28 – Lot 44** Deputy Mayor Herlihy declared abandoned per section A, C, D, F & G, seconded by Councilor Tuttle. The City Council voted 7-0 to approve.

16-20.05 Ordered, to authorize the City Manager to sign a three year collective bargaining agreement with the Sanford Unit Local 481 Council #93 American Federations of State, County and Municipal employees, AFL-CIO. Councilor Tuttle moved to approve, seconded by Deputy Mayor Herlihy. The City Council voted 7-0 to approve.

16-21.06 The City Council of the City of Sanford hereby ordains amendments to the City of Sanford Zoning Ordinance in order to regulate the production of Maine medical marijuana production as follows:

1. Allow medical marijuana home production by a Maine medical marijuana registered patient in his or her primary residence as an accessory use in all zones in conformance with standards described in §280-95.A.-J.;

2. Allow medical marijuana home occupation by a Maine medical marijuana primary caregiver in his or her primary residence as a home occupation in all zones in conformance with standards described in §280-95.A.-K., including the requirement for an annual inspection for compliance with municipal building, electrical, fire, and other health safety and technical codes, including, but not limited to Chapters 90, 128, and 291;

3. Allow medical marijuana production facilities as a permitted use in the Airport Development, Industrial Business, and Rural Mixed-Use Zones

and as a conditional use in a newly designated Medical Marijuana Urban Overlay Zone in conformance with standards described in §280-95.A.-J. and L., including the requirement for an annual license from the City Council in conformance with Chapter 149 §§1-8.

(This item must be read on two separate days. This is the first reading).

16-22.07 Ordered, to authorize a Notice of Public Hearing for February 16th, 2016 to extend the Medical Marijuana Moratorium Ordinance for an additional 180 days, pursuant to the authority under 30-A M.R.S. § 4356. Deputy Mayor Herlihy moved to approve, seconded by Councilor Tuttle. The City Council voted 6-0-1 to approve.

Council Member Comments

Councilor Tuttle: Received comments about trash and bags. He also wished his daughter a happy 25th birthday.

Councilor Lanigan: Thanked Chief Benotti for a tour of the central station facility

Councilor DiGregorio: Asked if there are limits with odor ordinance and would like an attorney opinion.

Councilor Smith: Not opposed to medical marijuana. He just wants to protect citizens that can protect themselves such as children and elderly.

Councilor Hanslip: None

Deputy Mayor Herlihy: None

Mayor Cote: Spoke about the closing of Marshal's. He asked the citizens to support local businesses.

Future Agenda Items

Adjournment

Mayor Cote moved to adjourn regular meeting at 8:29 pm
Respectfully submitted by Sherry Lord, Executive Assistant