



Sanford City Council

City Council Meeting Minutes – July 19, 2016

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, July 19, 2016. Those present were: **COUNCILORS:** Mayor Thomas P. Cote, Councilor Maura A. Herlihy, Councilor Joseph Hanslip, Councilor Fred W. Smith, Councilor Victor E. DiGregorio, Councilor Lucas J. Lanigan and Councilor John L. Tuttle, Jr. **CITY STAFF:** City Manager, Steven Buck; City Clerk Sue Cote; Director of Public Works, Matthew Hill; City Planner, Beth Della Valle; Superintendent of Schools, David Theoharides; School Business Administrator, Gwen Bedell; Budget Committee Member, James Drummey; School Committee Member, Jonathan Mapes

Mayor Cote called the meeting to order at 6:11 pm.

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: July 5, 2016; Councilor Smith moved to approve, seconded by Councilor Hanslip. The City Council voted 7-0 in favor of approving minutes of July 5, 2016.

Mayor's Report/City Council Sub-Committee Reports

Mayor had no report.

Councilor Hanslip: Last Public Safety meeting spoke with Police Chief Connolly regarding program dealing with opioid abuse and the training his officers are conducting. Councilor Tuttle would like to see Chief Connolly be a representative on the Governor's committee working to prevent opioid abuse in Maine.

Councilor Herlihy: Core Building Committee on K-8 projects met last week, reviewing changes that will need to take place to (existing) High School, Jr. High, and CJL which will be coming soon for public review. She also noted the Bond for Energy Improvements is working and costs savings have been seen.

City Manager's Report

Attached

Communications/Presentations

Sanford Economic Regional Growth Council – Quarterly report – Postponed to first meeting in August.

Public Works Director Matthew Hill gave a presentation on Asphalt Rubber Chip Seal and explained the cost savings and durability of the product. (some of the slides shown are attached)

Public Participation

Hazen Carpenter spoke about how nice the parks in the city are, thanked the Parks Department staff for their hard work.

Mark Adler had signed in but opted to wait for public hearings on ordinances to speak.

Public Hearings

The City Council will take public comment on the following:

1. A public hearing for application for liquor license renewal for Pioneer Gaming LLC., D/B/A: Sanford OTB, 890 Main Street, Sanford, ME. Mayor Cote declared the public hearing open at 6:45 pm. No one was present to speak in favor or against the license request. The public hearing was declared closed at 6:45 pm.
2. A public hearing on the proposed creation of a new Chapter 293 for Odor Nuisance Control and Abatement. Mayor Cote declared the public hearing open at 6:45 pm. City Planner Beth Della Valle explained the proposed Ordinance and gave a summary of amendments to Chapters 149 & 280. James Drummey voiced his concerns on the agriculture section and effect on existing farms. Mark Adler from the Patterson Companies suggested they look at other means of measuring odor as not everyone senses the same. Jayce Clark stated this ordinance needs more consideration before acting. Dianne Connolly asked if the number of days from complaint to action of enforcement should be shortened. City Manager Buck clarified what was defined as agriculture as relating to existing farms in the proposed ordinance. Mayor Cote declared the public hearing closed at 7:02 pm.
3. A public hearing on the proposed revisions to Chapter 280: Zoning and Chapter 149: Licensing in order to regulate the production of Maine medical marijuana. Mayor Cote declared the public hearing open at 7:02 pm. Mark Adler has concerns and objects to the 6000 sq. ft. sprinkler requirement. He asked if 280-94A subsection G (4) regarding the sprinkler requirement would pertain to existing uses or if they would be 'Grandfathered'. City Manager Buck read a note from Fire Marshal Patrick Cotter. He stated that zoning as far as the location would be but the standards could change over time and an existing business would have to comply. City Planner Della Valle pointed out a typing error in 280-94a subsection c, and asked if could be corrected at the vote later in meeting. Mayor Cote declared the public hearing was closed at 7:10 pm.

Consent Agenda

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

16-96.01 Ordered, to approve the following license requests:

1. An application for liquor license renewal for Pioneer Gaming, LLC D/B/A: Sanford OTB, 890 Main Street, Sanford, ME.

Old Business

16-61.10 The City Council of the City of Sanford hereby ordains proposed revisions to Chapter 280: Zoning and Chapter 149: Licensing in order to regulate the production of Maine medical marijuana. (This item must be read on two separate days. This is the second reading). Councilor Smith made the comment that he would not support this ordinance if it was allowed in property less than 6,000 sq. ft. if that included multi-unit (residential) properties. It was noted that is commercial use and should the need arise in the future, this could be amended. Councilor Herlihy made the motion to approve the proposed revisions to Chapter 149 Licensing and Chapter 280 Zoning, including the typing error in 280-94a subsection c (line 5 as presented in the agenda backup) change 'link' to 'limit', second by Councilor Hanslip. The City Council voted 7-0 to approve with amendment.

New Business

16-97.02 Ordered, to authorize the Bike MS Great Maine Getaway the use of City Roads for the annual two day cycling event to be held on August 13th and 14th, 2016 between 8:00am and 4:00pm. City Manager Buck pointed out the only mention of Sanford on any of the bike routes is Mouse Lane. Mouse Lane is located in the Town of Alfred. No action taken on this item.

16-98.03 Ordered, to accept a bid from Automotive Garage Tools, Inc. of Windham, ME for six heavy duty wireless hydraulic lifts in the amount of \$64,787.65. Motion to accept made by Councilor Tuttle, seconded by Councilor Smith. Councilor Herlihy stated this was processed through the property sub-committee and invited Director Matt Hill to give more detail as to the need and future productivity savings that will result in this purchase. The City Council voted 7-0 in favor of accepting the bid from Automotive Garage Tools, Inc.

16-99.04 Ordered, to receive and take action on the Budget Committee recommendation for the FY16/17 School Budget. Councilor Smith encouraged all citizens to go vote in support of the budget. Councilor Lanigan would like to see (in next year budget process) appropriation in

section 4 for extracurricular activities to include the arts as well as sports and perhaps an increase over time similar to the CIP process. Councilor Tuttle agrees with Councilor Lanigan's proposal and also supports the School Budget. Motion made by Councilor Herlihy to forward to the voters for their consideration on August 23, 2016, a total education budget in the amount of \$38,124,930. Seconded by Councilor Hanslip. Mayor Cote also pointed out that since his involvement with this over the last three years, he has advocated for the 2% increase feeling that would be able to be absorbed by the taxpayers; this is still a very lean budget and includes cuts, and the tax burden is also at the mercy of revenue, and housing issues. The City Council voted 7-0 in support of submitting the School Budget in the amount of \$38,124,930 to voters on August 23, 2016.

16-100.05 Ordered, to appoint one member for Maine Municipal Association Vice-President for (1) year term and three members to the Maine Municipal Association Executive Committee for (3) year terms. Councilor Herlihy made the motion to cast a ballot for Vice-President (1) year term: Linda Cohen, City Councilor of South Portland; Directors for (3) year terms: James Gardner, Town Manager of Easton; Christine Landes, Town Manager of Bethel; and Mary Sabins, Town Manager of Vassalboro. Second was made by Councilor Hanslip. The City Council voted 7-0 to cast the ballot for candidates as named.

16-101.06 The City Council of the City of Sanford hereby ordains the creation of a new Chapter 293 for Odor Nuisance Control and Abatement as follows:

1. To establish authority for administration and enforcement of the City's odor management regulations.
2. To define the process for determining objectionable odors.
3. To establish provisions requiring compliance.
4. To establish observation and enforcement procedures, violations and penalties.

This item must be read on two separate days. This is the first reading. No action taken. Councilor Hanslip questioned whether the State Statute on Right to Farming covered individuals that have a garden or fields to hay if using fertilizer or only commercial farmers. City Manager Buck was not sure this applied to small in-town gardens but suggested store bought fertilizer would not violate the ordinance. Mayor Cote also pointed out this also covers trash and other odors, not just the medical marijuana industry.

16-102.07 Ordered, to authorize the City Manager to execute a successor 10 (ten) year franchise agreement with Metrocast for cable television services. Motion to approve made by Councilor Smith and seconded by Councilor Herlihy. Councilor Smith asked City Manager Buck to go over the highlights of the contract. Councilor Tuttle expressed his concern of the cost increases over the past few years especially a hardship for the elderly and did not want to extend the agreement for another 10 years. Councilor Smith added that with

the way technology is changing so quickly and costs of equipment and maintenance it would be difficult to find another company to come in and invest in the community as Metrocast has. The City Council voted 5-2 in favor of executing the ten year franchise agreement with Metrocast for cable television services. Councilor Tuttle and Councilor DiGregorio opposed.

Council Member Comments

Councilor Tuttle: Spoke of citizen complaints received by residents on Grammar Street about excessive speed. Posted speed limit is 25 mph but not followed. He will report back with results of meeting with Chief Connolly at next meeting. Commended Public Works director and staff for a good job on Brook Street.

Councilor Lanigan: none

Councilor DiGregorio: Asked for clarification of funds the City must provide for an EDA Grant.

Councilor Smith: Stated he's received a lot of calls for 'problem properties'. Some have had close to ten calls for Police within a month.

Councilor Hanslip: Thanks to Rev. Wendorff, Rev. Mills, Rev. Murphy, Fr. Tracy and all citizens who took part in Peace Vigil in support of First Responders this past Sunday evening.

Deputy Mayor Herlihy: None

Mayor Cote: Follow-up to Councilor Smith's comments on problem property, that neighbors should be calling the Police so there can be a record of disturbance calls. Mentioned success with property near #1 Pond and results happened quickly. Spoke of the need to review the ordinance and amend it so that it will incorporate enforcement of codes and zoning. Also wanted to add special "Thank You" all involved with the Sunday night Vigil supporting First Responders. Mentioned to Director of Public Works, lots of calls regarding intersection of School and Jackson Streets; lots of accidents.

Future Agenda Items

Councilor Smith: Review some of the problem properties to see if violating Disorderly Housing Ordinance.

Mayor Cote: Review Disorderly Housing Ordinance, incorporate code & zoning enforcement.

Adjournment

Mayor Cote moved to adjourn regular meeting at 8:05 pm
Respectfully submitted by Susan Cote, City Clerk