



Sanford City Council

City Council Meeting Minutes – November 20, 2018

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, November 20, 2018. **Mayor:** Thomas P. Cote **COUNCILORS:** Deputy Mayor Lucas Lanigan, Councilor Maura A. Herlihy, Councilor Joseph Hanslip, Councilor Fred W. Smith, Councilor John L. Tuttle, Jr. and Councilor Robert G. Stackpole **CITY STAFF:** City Manager, Steven Buck; Executive Assistant, Sherry Lord; Code Enforcement Officer, Jamie Cole and Code Officer Jeannie Wood, Community Development Director, Ian Houseal.

Deputy Mayor Lanigan called the meeting to order at 6:01 pm.

The session began with the Pledge of Allegiance and a moment of silence

Pledge of Allegiance

Moment of Silence

Roll Call:

Deputy Mayor Lanigan performs the Council Roll call: Councilor Stackpole, present; Councilor Tuttle, present; Councilor Smith, present; Councilor Hanslip, present; Councilor Herlihy, present; and Mayor Cote, absent w/notice.

Minutes

18-528-01 Ordered, to approve meeting minutes from Tuesday, November 13, 2018 as presented. Councilor Smith moved to approve, seconded by Councilor Herlihy. The City Council voted 4-2-0 to approve. (Councilors Tuttle and Hanslip abstained).

Mayor's Report/City Council Sub-Committee Reports

None

City Manager's Report

See attached

Communications/Presentations

None

Public Participation

None

Public Hearings

The City Council will take public comment on the following:

18-511-01 A public hearing on an ordinance amending Chapter 90: Building Construction and Chapter 120: Fees. Deputy Mayor Lanigan declared

the public hearing open at 6:11pm. Community Development Director, Ian Houseal explained the reason for the amendments. There was no one else to speak for or against. The public hearing was declared closed at 6:14 pm.

18-518-01 A Public Hearing to receive comments on the Renewal liquor license application with malt, spirituous, vinous privileges from Third Alarm Diner LLC., D/B/A: Third Alarm Diner. Deputy Mayor Lanigan declared the public hearing open at 6:14 pm. There was no one to speak for or against. The public hearing was declared closed at 6:15 pm.

18-519-01 A Public Hearing to receive comments on the Renewal liquor license application with malt, spirituous, vinous privileges from VFW POST #9935. Deputy Mayor Lanigan declared the public hearing open at 6:15 pm. There was no one to speak for or against. The public hearing was declared closed at 6:15 pm.

18-523-01 A hearing is to determine whether the structure at 8 Perkins Court, Sanford, Maine owned by MECAP LLC identified as Lot 65A, on Tax Map I29, and further described in a Deed recorded in the York County Registry of Deeds at Book 17682, Page 580, is a dangerous building or nuisance within the meaning of 17 M.R.S.A. §§ 2851-2859, and if so, what is the appropriate remedy. Notice of this hearing was duly served on the registered agent for MECAP LLC and LOSU LLC by certified mail. Deputy Mayor Lanigan declared the public hearing open at 6:15 pm. Scott Lalumiere of MECAP LLC spoke about the property and stated that the rehabilitation would be complete by September 30, 2019. Community Development Director, Ian Houseal gave a presentation to the Council. Code Enforcement Officer Jeannie Wood explained the dates of inspections and violations. There was no one else to speak for or against. The public hearing was declared closed at 6:36 pm.

Consent Agenda

Deputy Mayor Lanigan sought comment from the City Council, there was no comment. The consent agenda was approved.

18-520-01 Ordered to approve the following license requests:

1. An application for liquor license renewal from Third Alarm Diner LLC., D/B/A; Third Alarm Diner, 47 Washington Street, Sanford, Maine.
2. An application for liquor license renewal from VFW Post #9935, 1 Hutchinson Street, Sanford, Maine.

Old Business

New Business

- 18-495-01 Ordered, to authorize the closure of Main Street from York St to Washington Street on Friday, December 7th for the Holly Daze Parade. Councilor Herlihy moved to approve, seconded by Councilor Smith. The City Council voted 6-0 to approve.
- 18-501-01 The City Council hereby ordains amendments to Chapter 90 of the City Code regulating buildings and Chapter 120 of the City Code regulating fees. (This item must be read on two separate days. This is the first reading.) First reading, no action.
- 18-536-01 Ordered to approve consent agreement between Gabriel J. and Lori A. Nohr and the City of Sanford regarding 9 Gertrude Avenue in Springvale. Councilor Hanslip moved to approve, seconded by Councilor Herlihy. Community Development Director, Ian Houseal explained. The City Council voted 6-0 to approve.
- 18-522-01 Findings and Order, pursuant to 17 M.R.S.A. §§ 2851-2859 - Dangerous Building - 8 Perkins Court; Pursuant to 17 M.R.S.A § 2851, 2-A: "To adjudge a building to be a nuisance or dangerous, the municipal officers must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property." Councilor Herlihy moved Based on the foregoing findings, the Municipal Officers conclude that the building is dangerous and a nuisance because it constitutes a fire hazard (lack of adequate fire protection, water service, sewer service, and security and in the event of a fire endangers surrounding properties and life); constitute a hazard to health and safety because of inadequate maintenance, dilapidation, and abandonment (the buildings contribute to blight as result of the continued lack of care, maintenance and security of the property and impacting the property value of surrounding properties), and is dangerous to life and property.

THEREFORE IT IS ORDERED that to protect the health, safety, and welfare, the buildings are to be immediately secured to prevent occupancy or use within 24 hours.

AND BE IT FURTHER ORDERED that any and all rubbish, debris, vehicles, equipment, household/human/hazardous waste, and dangerous materials are to be removed from the property and properly disposed and the premises maintained free of debris and plant growth within 30 days.

AND BE IT FURTHER ORDERED that to protect the health, safety, and welfare, the said dangerous buildings and nuisance is to be immediately abated (buildings removed/disposed/secured.)

AND BE IT FURTHER ORDERED, if the owner or party in interest demonstrates the ability and willingness to satisfactorily rehabilitate the buildings by submitting and having a rehabilitation plan approved by the City Manager within 30 days of recording this Order and carrying out such rehabilitation plan in a timely manner, the Order to immediately abate the nuisance may be delayed. Such rehabilitation plan must include:

- At a minimum, all deficiencies listed as part of the findings of fact as herein set forth are corrected in the approved timeframes;
- The said buildings are rehabilitated and brought into compliance with all applicable State and Local Codes and all applicable State and Local permits and licenses are obtained prior to making any rehabilitation;
- There shall be no occupancy or use of the property until a Certificate of Occupancy has been issued by the City upon satisfactory rehabilitation of the buildings.

AND BE IT FURTHER ORDERED that the City Clerk record this Order in the York County Registry of Deeds and cause attested copies of this Order to be served upon the persons as required by law.

AND BE IT FURTHER ORDERED that, if this Order is not complied with, the City Manager is hereby authorized and directed to ask for bids for the abatement (buildings removal/disposal/securing) of the said dangerous buildings and nuisance.

This decision may be appealed to Superior Court under the Maine Rules of Civil Procedures, Rule 80B.

If this Order is not timely complied with and no timely appeal is taken, the Municipal Officers may undertake the ordered corrective action at municipal expense and recover all expenses, including reasonable attorney's fees, by means of a special tax or civil action, seconded by Councilor Stackpole. The City Council voted 6-0 to approve.

Council Member Comments

Councilor Stackpole: Wished everyone a Happy Holidays coming up.

Councilor Tuttle: Channels for WSSR-TV. He also thanked everyone for voting for him at the election. He thanked Councilor Hanslip for being his treasurer and Councilor Stackpole for being his IT person. He also thanked his other campaign personnel.

Councilor Smith: Wished everyone a happy holidays. He thanked the Road Crew for all they have done.

Councilor Hanslip: Happy Thanksgiving

Councilor Herlihy: None

Deputy Mayor Lanigan: Happy Thanksgiving and thanked the road crews.

Mayor Cote: absent.

Future Agenda Items

- Discussion and potential vote on Sanford becoming a food sovereign community
- Solid Waste: transfer station privatization and bags

Adjournment

Mayor Cote moved to adjourn regular meeting at 7:05 pm

Respectfully submitted by Sherry Lord, Executive Assistant