



Sanford City Council

City Council Meeting Minutes – December 3, 2019

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, December 3, 2019. **Mayor:** Thomas P. Cote. **COUNCILORS:** Deputy Mayor Lucas J. Lanigan, Councilor Maura A. Herlihy, Councilor Ayn M. Hanselmann; Councilor John L. Tuttle, Jr.; Councilor Robert G. Stackpole. **CITY STAFF:** City Manager Steven Buck; Executive Assistant Lorisa Ricketts; Development Director Ian Houseal; Public Works Director Matt Hill; Planning Director Beth Della Valle; Code Officer Jeannie Wood; Chief Code Officer Jamie Cole.

Pledge of Allegiance

The regular City Council session began with the Pledge of Allegiance and a moment of silence.

Moment of Silence

Mayor Cote extended the City's condolences to the family of William L. Thyng, who died as the result of a workplace accident on November 25th, 2019. He will be missed by all. A celebration of life will be held at North Berwick Community Center at 264 Lebanon Road in North Berwick on December 15th from 1-4 PM.

Roll Call:

Mayor Cote performed the Council roll call: Councilor Hanselmann, present; Councilor Stackpole, present; Councilor Tuttle, present; Councilor Hanslip, present; Councilor Herlihy, present; Deputy Mayor Lanigan, present.

Minutes

19-651-01 Ordered, to approve the minutes from the Executive Session held on November 19, 2019.

Councilor Stackpole moved to approve. Councilor Tuttle seconded. Motion passed 7-0.

19-652-01 Ordered, to approve the minutes from the regular City Council Meeting held on November 19, 2019.

Councilor Tuttle moved to approve. Councilor Hanslip seconded. Motion passed 7-0.

Mayor's Report/City Council Sub-Committee Reports

Mayor Cote recognized the Sanford Scouts Troop 327 who redid the signs at the entrances to Sanford. On behalf of the City, thank you for your efforts – the signs look amazing.

Zoning subcommittee discussed various changes to ordinance and discussed the marijuana resolution that is on the agenda this evening, with unanimous support.

The renaming of Number One Pond was discussed at Property Subcommittee and the committee unanimously decided not to pursue renaming at this time as there is no need.

City Manager's Report

See attached.

Mayor Cote asked what the current cost of electricity is. City Manager Buck responded and explained that approximately \$150,000 annually should be saved on electricity between the City and Schools by utilizing the electricity from the next solar project.

Communications/Presentations

None.

Public Participation

None.

Public Hearings

The City Council will take public comment on the following:

19-615-01 A Public Hearing to receive comments on the renewal of City Special Amusement license and Liquor license renewal with malt, spirituous, and vinous privileges from Sanford/Springvale Memorial Post 9935 D/B/A VFW Post 9935, 1 Hutchinson Street, Sanford, Maine.

Public Hearing opened at 6:22 PM.

No public comment.

Public Hearing closed at 6:22 PM.

- 19-649-01 A Public Hearing to receive comments on the new license application from Leaf Labs, LLC to operate a medical marijuana growing facility at 72 Emery Street, Unit #450, Sanford, ME 04073.

Public Hearing opened at 6:23 PM.

Code Enforcement Officer Jamie Cole spoke on this item. He and the Fire Marshal inspected the unit. The new tenants have made significant improvements to the unit, and are using fish waste as a medium for growing their plants. CEO Cole pointed out that there has been a fair amount of turnover in growers within the existing space, so although there have been a number of license

Dillon and Nick from Leaf Labs spoke; they are both Maine residents with undergraduate degrees. Goal is to be as organic as possible and energy-efficient. The fish waste has been composted before use; they are working with State of Maine fish hatcheries to get the waste.

Public Hearing closed at 6:27 PM.

Consent Agenda

- 19-614-01 Ordered, to approve the following license requests from Sanford/Springvale, VFW Memorial Post 9935 D/B/A VFW Post 9935, 1 Hutchinson Street, Sanford, Maine:
1. An application for a liquor license renewal.
 2. An application for Game of Chance for Texas Hold Em.
 3. An application for City Special Amusement License.

Mayor Cote sought questions or comments from the Council on the Consent Agenda. Seeing no questions or comments, the motion was approved.

Old Business

- 19-578-01 Ordered, to approve proposed Amendment of Chapter 280: Zoning regarding design review. (This item must be read on two occasions. This is the second reading.)

Councilor Tuttle moved to approve. Councilor Stackpole seconded.

Motion passed 7-0.

19-579-01 Ordered, to approve proposed amendment to Chapter 280: Zoning related to Plan Submission Requirements. (This item must be read on two occasions. This is the second reading.)

Councilor Tuttle moved to approve. Councilor Hanslip seconded.

Motion passed 7-0.

19-540-01 Ordered, to approve Proposed Amendment of Chapter 280: Zoning Regarding Sign Amendments. (This item must be read on two occasions. This is the second reading.)

Councilor Tuttle moved to approve. Councilor Hanslip seconded.

Motion passed 7-0.

19-168-01 Ordained, amendments to the City Zoning Code to increase allowances for the creation of dwellings accessory to single family homes and prohibiting converting single family homes into multiple rental housing units. (This item must be read at two separate meetings. This is a second reading.)

Councilor Tuttle moved to approve. Councilor Stackpole seconded.

Director Houseal stated that this item has been reviewed by the Land Bank, and by the Planning Board as required by law. He explained what it will accomplish.

Councilor Stackpole said it is worth mentioning that one of the main goals of this change is to preserve single family housing in the Downtown area.

Deputy Mayor Lanigan said he likes that this item gives an opportunity for people to age in place. Councilor Stackpole added that this item does not ban in-law apartments.

Motion passed 7-0.

New Business

19-643-01 Ordered, to appoint Alix Horr as a City of Sanford Code Enforcement Officer and appoint Alix Horr as Alternate Plumbing Inspector for a period beginning on December 3, 2019 and ending June 30, 2020.

Councilor Tuttle moved to approve. Deputy Mayor Lanigan seconded.

City Manager Buck said the City has been authorized for four positions for Code Enforcement for quite some time but have been unable to fill them all. Alix has been undergoing training for a couple of years now. The area of

specialization has been brought in and Alix interviewed for the position and has been hired pursuant to an annual appointment approved by the City Council.

Alix Horr introduced herself and said she has been in the office for three years now and despite being short-staffed, they have made strides in improving their interactions with customers.

Mayor Cote expressed his appreciation for the work the Codes department is doing.

Motion passed 7-0.

19-315-01 Ordered, to approve the new license application for Medical Marijuana Establishment Property - Tier I, from SHIVA, LLC, 1609 Main Street, Sanford, ME.

Councilor Stackpole moved to approve. Deputy Mayor Lanigan seconded.

Motion passed 7-0.

19-650-01 Ordered, to approve the new license application from Leaf Labs, LLC to operate as a medical marijuana grower at 72 Emery Street, Unit #450, Sanford, ME 04073.

Councilor Hanslip moved to approve. Councilor Stackpole seconded.

Councilor Hanselmann noted that on the State of Maine website, Leaf Labs is listed as a corporation, not an LLC. The owners stated that they are in the process of changing from a corporation to an LLC.

Deputy Mayor Lanigan asked how long ago the LLC application was filed, and whether it was filed under the guidance of an attorney. It was filed several weeks ago with supervision of an attorney.

Councilor Hanslip wondered whether this item should be approved under the name as it currently exists.

Mayor Cote said he thinks this item should be tabled; it is difficult for the Council to speculate on the correct legal entity to grant the license to.

Councilor Hanslip moved to table until the December 17 meeting. Councilor Herlihy seconded. Motion passed 7-0.

19-637-01 Resolved, to adopt a new Sanford Tax Increment Financing (TIF) Policy as outlined in the Sanford TIF Manual drafted in November 2019.

Councilor Stackpole moved to approve. Councilor Hanslip seconded.

Growth Council Director Jim Nimon presented on the TIF Policy that has been under development and that is included in a TIF manual which has been created. The manual outlines the TIF program and includes examples of how it can be used, as well as an application form and other guidelines.

Mayor Cote said this policy was reviewed at Property Subcommittee, and was also reviewed by the Growth Council and by the City Manager.

Motion passed 7-0.

19-648-01 Ordered, to direct Staff to prepare Ordinance Amendments to Chapters 149, 161, and 280 et. al. for the consideration of authorizing the type and number of Adult Use Marijuana categories in the following areas: Adult Use Marijuana Cultivation Facilities, Adult Use Marijuana Products Manufacturing Facilities, Adult Use Marijuana Testing Facilities.

Councilor Tuttle moved to approve. Councilor Stackpole seconded.

This item was discussed at Zoning Subcommittee. The impetus behind this proposal was to support existing marijuana businesses in the community and allow the development of products within those facilities for the retail market.

Mayor Cote asked if there is any sense of the time commitment involved in this directive. Councilor Stackpole said that retail sales had been removed from this order in subcommittee. The proposal just works towards creating changes in the zoning ordinance which would then be brought forward for discussion.

Councilor Hanslip said the landscape re marijuana is changing. He feels this proposal would help the existing medical marijuana businesses in Sanford to stay in business. This directive is to prepare a proposal that the Council will ultimately vote on. He said he is not in favor of including commercial sales at this time because there are many more considerations around that than around the three areas included.

Deputy Mayor Lanigan said the important consideration is the amount of staff time required; he said that Director Della Valle felt that these three areas would not require a lot of staff time to prepare.

City Manager Buck asked why it is essential for existing medical marijuana growers to be allowed to grow for the adult use market. Deputy Mayor Lanigan said if we don't allow this, he feels the work that has been done to date to get the medical marijuana businesses running will be lost and the facilities will be left unused.

Mayor Cote said he opposes this because he feels this would be a time-consuming effort and won't be as simple as it seems initially.

Councilor Hanslip said nothing will go forward without the Council's approval. Mayor Cote said it would be a waste of time to go through with the work only to have it voted down. Councilor Hanslip said there are tens of thousands of square feet of space in the community that would not currently be in use without medical marijuana.

Councilor Herlihy said adult use is taxed heavily; medical marijuana is not. It is hard for her to understand why there would be a shift to adult use.

Councilor Stackpole said this discussion is about whether to begin creating these zoning ordinances, not whether to approve them. He said that Director Della Valle had no reservations about the time that would be required. In his opinion, it is important to do this to support the businesses that we have fostered.

Councilor Hanselmann said in terms of whether it makes sense to put staff time towards this, she hesitates to imagine it wouldn't take significant staff time. She also wonders why we can't wait for other communities to take the lead on this. She is concerned that with the licensing discussion earlier this evening, we should be focusing on getting medical marijuana licensing right before moving on to adult use.

City Manager Buck spoke regarding the amount of staff time needed: Adult use marijuana cultivation facilities – not a lot of staff time would be needed since we have already done a lot on cultivation facilities and licensing. Manufacturing facilities – again, it is directly translatable since it is already in place for medical marijuana. Marijuana testing facilities – we don't have that in place, but we will go back and reference the pre-existing facilities that are there and the relevant standards.

Manager Buck said a large part of the effort will have to be around the office space, which allows for consultation on site. If adult use growing is being done in the same facility, that will have to be examined because retail is prohibited.

Motion passed 4-3. Councilors Tuttle and Hanselmann and Mayor Cote dissented.

Council Member Comments

Councilor Hanselmann: Reminded everyone of the Holly Daze festivities this Friday and Saturday.

Councilor Stackpole: None.

Councilor Tuttle: Open House 10-2 at the airport this weekend and ribbon-cutting on the new Life Flight building. He offered his condolences to the family of Bill Thyng.

Councilor Hanslip: This Saturday at 10 a.m. at Number One Pond will be the commemoration of the Pearl Harbor attacks. He has had the first responders, family and friends and colleagues of Bill Thyng in his thoughts and prayers.

Councilor Herlihy: None.

Deputy Mayor Lanigan: Thanked City Manager Buck and his staff for their handling of the tragic situation last week.

Mayor Cote: Also thanked Manager Buck and his team, and offered his condolences to the family of Bill Thyng.

Future Agenda Items

Mayor Cote: Zoning on the special amusement project and other pending projects in South Sanford.

Adjournment

Mayor Cote moved to adjourn regular meeting at 7:24 PM.

Respectfully submitted by Lorisa Ricketts, Executive Assistant.

City of Sanford



**From the Desk of
Steven R. Buck
City Manager**



Memo

To: City Council
Subject: Manager's Report for December 3, 2019
Date: December 3, 2019

New Assistant Fire Chief:

As Assistant Chief Stephen Cutter retired from the Sanford Fire Department on August 22, 2019, the City has been in the exploratory process for his replacement. After an internal and external search and selection process, the City has hired Robert Arnold as the next Assistant Fire Chief.

Robert (Bob) hails from Midland, Michigan as a 23-year veteran of the Fire Service in Midland. The Midland Dept. is of similar size and staffing, is a career Department, and has similar run response numbers. He has extensive supervisory and management experience as a Battalion Chief, Administrator of the Regional Response Team, tasked with training, recruitment and retention, and experienced in Contract negotiations and administration. He was unanimously supported by the Interview Team and has accepted the position.

Asst. Chief Arnold will start in Sanford on January 6, 2020.

LED Street Light Conversion:

Administration started interviews today interviewing two of four Companies that have submitted proposals to convert the City's street light inventory from high pressure sodium to LED technology. The RFP Responses is in response to a scope of work to include;

- An Audit of all existing Leased CMP fixtures and City-owned Streetlight fixtures
- A completed Report on all Lights to be converted and assets mapped into our GIS
- Buyout of the current Leased Streetlights
- Demolition/Removal of the Old Lights
- Installation of New LED Street Lights
- Ownership and Maintenance assistance
- Lease-Purchase or Performance-Based Contract to Finance

The City has over 895 Leased light fixtures as well as our Owned-Inventory of streetlights. The anticipated savings of \$120,000 per year will be used to pay for the Project having a Return on Investment (ROI) of 2.5 to 5 years depending upon the fixtures selected and technology implemented at initial build.

The incorporation of technology remains under examination under these Proposals in the areas of a wide-area network to monitor and control the lights as well as the use of City Hub based technologies. City Hub technologies provides for connectivity to the Internet of Things via the City’s SanfordNet Fiber Network for solutions such as lighting control, traffic control, parking and public safety monitoring and enforcement, as well as 5 G WiFi access. The Units are Plug and Connect Ready if or once the technology application is assessed as needed. The selection of LED lights will be mindful of any future use of such technology in conjunction with SanfordNet Fiber.

Solar Development:

As previously announced, the Sanford Airport Solar LLC Project of 50 Megawatts of photovoltaics is currently under construction. The next phase of Solar Development on the Rushton Street Landfill and CGA Brownfield Site is also progressing.

The PUC released on November 27th, 2019 the Rule Making around the former Solar Omnibus Bill LD 1711 “An Act to Promote Solar Energy Projects and Distributed Generation Resources in Maine.” In this Rule Making the 2020 Net Energy Billing Tariff Rates have been set. For the City’s Accounts under Small Commercial, the 202 NEB Tariff Rate would be \$0.130026/Kwhr. In order for the City to take advantage of the Tarrif Credits, we would have to continue to purchase our electricity under a Consolidated Purchase Agreement, currently through Constellation, and then purchase the Tariff Credits through one of our developing Solar Projects at their Strike Point for Generation on the Solar Development. An example of how this would work is as follows;

Net Energy Billing	KWh	Tariff Creidt	Net Tariff Credit
Stadard Offer - CMP	\$0.0000	100.00%	\$0.0000
Transmission and Delivery (T&D)	\$0.0000	75.00%	\$0.0000
Total NE Tariff Rate Est.			-\$0.130026
PPA to Solar Developer			\$0.0800
Current Rate Consolidated Power Purchase & TD			\$0.1473
Net Electrical Cost per KWhr to City			\$0.0973
Net difference			\$0.0500
Percent Reduction			33.96%

If one then credits the Lease and Net Taxation benefits per acre of Solar Development of City Land, such as the Rushton St. Landfill, an additional economic benefit of \$0.04563/Kwhr may be achieved. The net reduction of benefit of a Well-Constructed Alternative Energy Project using these combined factors would be;

Net Energy Billing Rate	\$0.0973
Less Credit for Land Lease & Taxation	-\$0.04563
Net Energy Cost per KwHr	\$0.0516
Annualized Energy Offsets	\$148,107.62
Percent Reduction to Current	64.94%

This Scenario is tentative at this time as the Strike Point for the Solar Power Purchase of the next Phase is yet to be determined.