



Sanford City Council

City Council Meeting Minutes – April 21, 2020

The Sanford City Council met at 6:00 p.m. via teleconference with live streaming pursuant to 1 MRSA §403-A on Tuesday, April 21, 2020. **MAYOR:** Thomas P. Cote. **COUNCILORS:** Councilor Ayn M. Hanselmann; Councilor Robert G. Stackpole; Councilor John L. Tuttle, Jr.; Councilor Lucas L. Lanigan; Councilor Maura A. Herlihy; Deputy Mayor Joseph R. Hanslip; **CITY STAFF:** City Manager Steven Buck; Executive Assistant Lorisa Ricketts; Community Development Director Ian Houseal; City Clerk Sue Cote; Planning and Development Director Beth Della Valle; Finance Director Ronni Champlin; Code Enforcement Officer Jamie Cole; Airport Manager Allison Navia.

Meeting Format

This meeting will be conducted via remote video and teleconference pursuant to 1 MRSA §403-A. Members of the public may join the meeting by phone by dialing 1 (929) 205-6099, or via computer at <https://zoom.us/j/9597378571>. Members of the public may also submit comments via email to info@sanfordmaine.org.

Pledge of Allegiance

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

Moment of Silence

Roll Call:

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

Minutes

19-879-01 Ordered, to approve the minutes from the City Council Meeting held on April 7, 2020.

Councilor Tuttle moved to approve. Deputy Mayor Hanslip seconded.

Motion passed 7-0 by roll call vote.

Mayor's Report/City Council Sub-Committee Reports

Mayor is getting a number of questions about Covid-19 and is responding as quickly as possible. Last week there was a meeting discussing and envisioning downtown Sanford improvements. There was a lot of good discussion and participation.

Councilor Stackpole reported back from the Zoning Subcommittee, which had consensus to bring forward two items on the agenda tonight. They also received an update on the Comprehensive Plan, which is progressing slowly but is anticipated to move more quickly as new staff is brought on board in the Planning Department.

City Manager's Report

The Manager's entire report was an update on Coronavirus. The City Manager reports daily on the cases, hospitalizations, etc. for the Coronavirus, as well as Gating Criteria that must be met before reopening can happen.

City services are continuing as well as possible. Codes is issuing more permits than at the same time last year. Clerks continue to process licenses etc. via phone, email and online. Dispatch is handling 150-200 fewer per day. Fire/EMS services are down about 150 calls compared to the same time last year. Public works is preparing for the busiest pavement season ever. Lower section of the transfer station is still closed through the end of the month.

Communications/Presentations

None.

Public Participation

None.

Public Hearings

The City Council will take public comment on the following:

19-825-01 A Public Hearing to receive comments on the renewal of the City Special Amusement Permit and a liquor license renewal with malt, spirituous, and vinous privileges from Smitty's Cinema-Sanford, LLC, 1327 Main Street, Sanford, Maine.

Public hearing opened at 6:32.

No public comment.

Public hearing closed at 6:32.

- 19-852-01 A Public Hearing to receive comments in favor or against the new medical marijuana grower/cultivator license application submitted by Gaia Farms LLC, 168 Country Club Road, Unit C, Sanford, Maine.

Public hearing opened at 6:33.

No public comment.

Public hearing closed at 6:33.

- 19-862-01 A Public Hearing to receive comments on the renewal liquor license application with malt, spirituous and vinous privileges from Pilots Cove Cafe, LLC D/B/A Pilots Cove Cafe, 199 Airport Road, Sanford, Maine.

Public hearing opened at 6:33.

No public comment.

Public hearing closed at 6:33.

- 19-869-01 A Public Hearing on Proposed Amendment of Development Review Fees.

Public hearing opened at 6:33.

Planning Director Beth Della Valle presented the background on this item.

Public hearing closed at 6:38

- 19-877-01 A Public Hearing on Proposed Amendment of Chapter 280: Zoning, Land Use Tables, Chapter 120: Fees, Chapter 149: Licensing, and Chapter 161: Marijuana regarding Cultivation, Manufacturing, and Testing of Adult Use Marijuana.

Public hearing opened at 6:38.

Planning Director Beth Della Valle presented the background on this item.

Public hearing closed at 6:40.

Consent Agenda

- 19-820-01 Ordered, to approve the renewal license application from Shiva LLC to operate a medical marijuana establishment property-Tier 1 facility at 1609 Main Street, Sanford, Maine.
- 19-824-01 Ordered, to approve the following license requests and authorize the City Clerk to sign the licenses on behalf of the City Council:
1. Smitty's Cinema- Sanford, LLC, 1327 Main Street, Sanford, Maine.
 1. Special amusement permit.
 2. Renewal of liquor license with malt, vinous, and spirituous privileges.
 2. An application for a liquor license renewal with malt, vinous, and spirituous privileges from Pilots Cove Cafe LLC, D/B/A Pilots Cove Cafe, 199 Airport Road, Sanford, Maine.
 3. A renewal license for medical marijuana grower for Mr. Green Thumb Holistic Solutions, 72 Emery Street, Unit 407, Sanford, Maine.

Mayor Cote sought questions or comments from the Council on the Consent Agenda items. Seeing none, the consent agenda was approved.

Sanford Urban Renewal Authority

- 18-547-01 The Sanford Urban Renewal Authority Commission convenes and authorizes the City Manager, on behalf of the Sanford Urban Renewal Authority Commission, to sign the necessary documents to transfer 2 parcels of land currently owned by the Sanford Urban Renewal Authority described as parcel number K16-31A and K16- 43 according to the City Assessor's records, to Spingwater LLP under the generally described conditions of a mortgage deed and recreational easement for the continued use of the public for recreational purposes.

Councilor Herlihy moved to approve. Councilor Lanigan seconded.

Community Development Director Houseal presented on this item. The property would be kept for public recreation; no overnight camping. If a member of the public wished to use the property for something like a wedding, appropriate fees for the use would have to be established.

Councilor Stackpole asked if the Mousam Way Trail runs through there. Manager Buck said the linear park system is referenced in the documents related to this property. It will basically be a private maintenance of a public trail.

Motion passed 7-0 by roll call vote of the Sanford Urban Renewal Authority.

Old Business

- 19-853-01 Ordered, to sign the Municipal Warrant to call for a July 14, 2020 School Budget Validation Referendum.

Councilor Tuttle moved to approve. Councilor Herlihy seconded.

City Manager Buck explained that this item had been tabled at the April 7 meeting pending an order from the Governor changing the date

Motion passed 7-0 by roll call vote.

- 19-864-01 Ordered, to approve a Proposed Amendment of Chapter 280: Zoning regarding membership of Site Plan Review Committee. (This item must be read on two occasions. This is the second reading.)

Councilor Tuttle moved to approve. Councilor Stackpole seconded.

This item removes the City Council presence on the Site Plan Review Committee as being unnecessary. Zoning Subcommittee reviewed the item again and had consensus to move the item forward.

Motion passed 7-0 by roll call vote.

New Business

- 19-851-01 Ordered, to approve the new license application from Gaia Farms to operate as a medical marijuana grower at 168 Country Club Road, Sanford, Maine.

Councilor Hanselmann moved to approve. Councilor Stackpole seconded.

Motion passed 7-0 by roll call vote.

19-874-01 Ordered, to approve an amendment to Chapter 280: Zoning, Land Use Tables, Chapter 120: Fees, Chapter 149: Licensing, and Chapter 161: Marijuana regarding Cultivation, Manufacturing, and Testing of Adult Use Marijuana. (This item must be read on two separate occasions. This is the first reading.)

Mayor Cote encouraged everyone to read through the proposed amendment. It is lengthy but a meaningful change.

Councilor Hanselmann said that Councilor Lanigan brought up the issue of looking at medical marijuana offices and not having in juxtaposition with adult use marijuana growth.

Councilor Lanigan said that the tracking of adult use is so stringent that it wasn't necessary to impose additional restrictions locally. Mayor Cote asked if there is any proof of the enforcement, or whether it is just strong language. Councilor Lanigan stated that for adult use marijuana, there is a seed tracking RFID system that stays with the plant all the way through growth, harvest and processing.

Regarding medical marijuana offices, for those that are allowed to have an attached office, that system has been working well and they should be allowed to continue. When it comes to the office, it can only be for a medical marijuana production suite within a facility. If that suite was converted to adult use, the office would go away.

Councilor Stackpole pointed out that licenses are only issued for one year. If there are violations that are not being enforced, the City Council could choose to just not reissue the license.

Councilor Lanigan asked to have someone from the State marijuana office join the Zoning Subcommittee at its next meeting.

Councilor Hanselmann commented on concerns about marijuana's effects on the youth, she thought that there had been some discussion around the industry setting up some sort of fund for education, etc.

19-799-01 Ordered, to accept an operating rights agreement for the 2020 season for Specialized Aeronautical Services with Skydive Coastal Maine LLC at the Sanford Seacoast Regional Airport.

Councilor Tuttle moved to approve. Councilor Stackpole seconded.

Airport Manager Allison Navia presented on this item and explained the background research she did to determine safety; the feedback she got from her tenants; and the discussions with the Airport Advisory Committee. There was a special meeting of the AAC, which recommended to move forward on a vote of 5-2.

Councilor Lanigan asked whether, with all the construction going on, we could be sure this wouldn't impede the ground activity for the solar project, etc. Manager Navia said this would not impact the solar project construction.

Motion passed 7-0 by roll call vote.

19-876-01 Ordered, to approve amendment of Development Review Fees. (This item must be read on two occasions. This is the first reading.)

Mayor Cote said he is still not completely sold on this; it seems complicated and he is concerned about the timing. Would like to see an analysis of the difference in the fees collected. Manager Buck said a big part of this was to separate smaller and mid-size projects from larger projects and make it easier for the smaller projects. Director Della Valle said there are almost a dozen fees that are lowered with this amendment.

Mayor Cote said that right now he is not hearing that there is a fee problem; his concern is that we suddenly get a barrage of feedback that development fees have increased because of the changed fee structure.

Deputy Mayor Hanslip asked whether this is something that needs to be acted upon soon, or whether it could be tabled for three months so we can see what happens with the

Manager Buck said the auditors have said the management of the escrow accounts has been problematic. One of his largest concerns is the small projects that have been separated out to go through administrative review. The large-scale projects already have the resources they need and won't see much change. The small businesses that are doing this on their own are more of a concern.

Director Della Valle said that what is being proposed is a \$250 fee instead of the \$550 current fee, which could be higher depending on complexity of the project. The real price of the application won't be known to them until the project is completed. This provides better predictability for the applicant. Every time an escrow fee is collected, an escrow account must be created; everything must be charged against the account; time spent on the application reviews must be translated to an invoice; must track down and process payment. At the end, the account must be closed. There is a lot of staff time from several departments involved. Every audit has raised questions about at least two or three of these accounts. It seems an inordinate use of time considering the amount collected through the escrow accounts. Applicants have frequently been unhappy at additional costs they are presented with at the end of the project.

Manager Buck said the current system is over-burdensome for small projects.

Councilor Hanselmann said she would like some input from some businesses that have done some development of small to medium projects.

Manager Buck asked whether taking 5 representative projects that everyone is familiar with and running them through the new fee system to compare with what the old costs were would be helpful. He proposed bringing this to the next Zoning Subcommittee meeting on April 28.

- 19-860-01 Ordered, that the City Council authorize the City Manager to accept the CARES Act grant offer from the FAA in the amount of \$69,000.00 to be spent on approved Airport operating expenses and capital expenditures.

Councilor Hanselmann moved to approve. Councilor Stackpole seconded.

Airport Manager Navia presented on this item.

Councilor Hanselmann asked if there had been conversation about using this money to reduce the airport budget itself rather than CIP. Manager Navia said it was certainly possible; the airport will be in the black for the coming year so the plan was to use against CIP. Councilor Stackpole said it is great that the airport is revenue neutral; looking forward to next year, if this money doesn't have to be encumbered by June 30, could it be set by "in case". Manager Buck said it has to be used for airport uses only. It is much easier to use it to offset capital improvement. Manager Navia said the pickup truck would replace a 20 year old pickup they use to plow with. The bush hog dates to 1991 and has been completely rebuilt multiple times. Councilor Lanigan asked if the equipment is necessary for clearing around the new solar panels. It will be instrumental for maintaining the fence-line to keep foliage and brush from growing up. Councilor Lanigan said he would rather use the funds now instead of being unable to do it next year. Deputy Mayor Hanslip agreed. Manager Navia said the bush hog is less than \$20k and is the more immediate need. That expenditure could be made and the rest of the money saved until we see what comes.

Motion passed 7-0 by roll call vote.

- 19-861-01 Ordered, to authorize the City Manager to submit an extension to the Federal Aviation Administration for the temporary non-aeronautical use of Airport property for the South Sanford Fire Station.

Councilor Tuttle moved to approve. Councilor Stackpole seconded.

Airport Manager Navia presented on this item.

Motion passed 7-0 by roll call vote.

19-873-01 Ordered, to accept and approve the City Financials for the 3rd Quarter of Fiscal Year 19-20.

Councilor Tuttle moved to approve. Councilor Stackpole seconded.

Finance Director Champlin presented on this item.

Mayor Cote said there are questions about revenue moving forward given the Covid-19 situation. Manager Buck said he is not concerned with the current fiscal cycle. But that is predicated on an extended Covid-19 impact. If things are re-opened by May 15, things will still be in very good shape. Focus is on what we are anticipating for the next fiscal year should the pandemic response continue much longer than anticipated.

Finance Director Champlin presented the following statement regarding the effects of the pandemic on revenue moving forward:

The City's budget relies on property collections for approximately 36% of its total general fund budget needs, with State-Aid to education representing another 43%. We believe that neither revenue source is significantly at risk in this fiscal year with 10 weeks remaining. Real Estate Taxes and Personal Property taxes are both currently at 94% collected. Many homeowners in the City pay property taxes through mortgage escrow accounts.

Excise tax collections on vehicles are projected to generate just under 5% of total revenues, which are currently showing 71.3% collected which is 9% lower than projected. Maine State Revenue Sharing contributes slightly less than 2.2% of the total revenue requirements for fiscal year 19/20. We are 84.5% collected as of today and feel that we will meet our projection of \$1.9 million dollars in April, May and June. Both of these revenue sources could potentially be affected by COVID-19 as they relate to vehicle purchasing and state-wide sales and income tax collections by State. With respect to Maine State Revenue Sharing payments, on April 2, 2020, the Treasurer of the State of Maine offered guidance to municipalities that it would be prudent to assume that Maine State Revenue Sharing payments beginning in July 2020 will be less than what was previously projected.

The City recognizes such risk to revenue projected receipts, but in our judgement, such reductions would not materially affect overall financial position and more likely to be generally experienced as delays in collections than actual revenues losses.

The City continues to monitor revenue collections and has identified savings within the operating budget due to a combination of things, the largest coming from the numerous unfilled positions, employee

benefits and insurance as well as long term outages due to workers compensation and income protection.

We will continue to closely monitor all areas of the budget to ensure that any variances are recognized immediately and mitigating actions taken.

To date:	
COVID-19 Outages/Lost Time	\$29,363
COVID-19 Supplies	<u>\$ 2,848</u>
Total YTD	\$32,211

Deputy Mayor Hanslip asked if there are any concerns about the last payment from the State to EPS. Finance Director Champlin said that as of today, the School Department has not heard of any such reduction. The finance officer for the School Department said she had a feeling that if subsidy under the CARES act are received, they might be reduced based on this.

Mayor Cote asked if the Acton School payment would be in jeopardy. Councilor Stackpole said it is covered under contract.

Motion passed 7-0 by roll call vote.

Council Member Comments

Councilor Hanselmann: Extended thanks again to Steve, Ian and WSSR for making these meetings possible. She hopes in the future we can continue to integrate some sort of on-line element to these meetings. She read an article that she thought was really great; we are all in the same storm, but we are in different boats. Empathy, compassion and kindness go a long way.

Councilor Stackpole: Thank you to Councilor Hanselmann for her comments. He lives near Number One Pond; he has noticed an increase in trash; he would ask everyone who is using public spaces to carry in/carry out. There is one trash receptacle that is regularly emptied; please use it and please clean up after your dog; there is an increase in dog waste. Please be considerate. Get out and get some fresh air.

Councilor Tuttle: Thanked the FD and PD and those in the health care field – they are truly the heroes. Put down the signs and put on the masks.

Councilor Herlihy: The Mainers have not made any decisions yet about their season; won't know for a few more weeks yet. Will be hard to find hosts with the current situation.

Councilor Lanigan: Positives: the environment is cleaning up; there are great environmental impacts. Students are learning into a whole new way; may open up avenues for new types of distance learning being integrated. Families are spending more time together. Is nice to see people enjoying the natural resources we have here.

Deputy Mayor Hanslip: None.

Mayor Cote: Gets a lot of comments from people with concerns about the behavior of other people; he has no influence over that. The trend looks to him looks like it is down in Maine and he hopes we will be over the hump soon.

Future Agenda Items

Councilor Hanselmann: Setting up of funding stream for youth education re drug use; willingness of industry to take part in that.

Councilor Lanigan: Broadband and increasing the speed of getting fiber to the home.

Councilor Herlihy: Memorial Day and Fourth of July will be discussed next week in Property Sub. Going to invite members of the Veterans' Committee to Property Sub? Manager Buck said he had discussed the Memorial Day Parade and placement of flags with the veterans today. There will be a follow-up meeting next week. We can easily extend the invitation for them to join the meeting next week.

Mayor Cote: For Public Safety Subcommittee: Rt. 202 coming into the community and sudden reduction of speed near old Gendron Lumber building. Ideas: increased signage; increased police presence.

Adjournment

Mayor Cote moved to adjourn regular meeting at 8:32 PM.

Respectfully submitted by Lorisa Ricketts, Executive Assistant.