



Sanford City Council

City Council Meeting Minutes – September 5, 2017

The Sanford City Council met at 6:00 p.m. in the Chambers of the Sanford City Hall Annex on Tuesday, September 5, 2017. **Mayor:** Thomas P. Cote **COUNCILORS:** Deputy Mayor Maura A. Herlihy, Councilor Joseph Hanslip, Councilor Fred W. Smith, Councilor Lucas Lanigan, Councilor John L. Tuttle, Jr. and Councilor Robert G. Stackpole **CITY STAFF:** City Manager, Steven Buck

Mayor Cote called the meeting to order at 6:00 pm.

The session began with the Pledge of Allegiance

Roll Call:

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

Minutes

Regular Meeting: August 15, 2017; Councilor Smith moved to approved, seconded by Councilor Hanslip. The City Council voted 6-0 to approve.

Mayor's Report/City Council Sub-Committee Reports

Thanked Wanda Parent and the people from Stuff the Bus. He was a personal shopper and was able to hand a lot of supplies. Also, Councilor Stackpole reached out and asked the Council, if appropriate, donate to the American Red Cross for the Hurricane Relief victims.

Councilor Lanigan reported from the Marijuana Task Force has an emergency ordinance on the agenda.

The Mayor also reported that the Community Development Committee met and there will be a couple of houses on the Manager's Report that the Council will be taking action on.

City Manager's Report

(See attached)

Communications/Presentations

Proclamation for Dr. John B. McGuckin for 40 years of service.

Public Participation

Dianne Connolly – Congratulations to Dr. McGuckin she also voiced her concerns about the intersection of Railroad Ave., Updates from the Solid Waste Sub-Committee and future agenda item to change Article 7 section 703.

Public Hearings

The City Council will take public comment on the following:

1. A public hearing to receive comments on an application for liquor license renewal for O-N Enterprises, Inc., D/B/A: Bowl-A-Rama, 1217 Main Street, Sanford, ME. Mayor Cote declared the public hearing open at 6:23 p.m. There was no one to speak for or against. The public hearing was declared closed at 6:23 p.m.
2. A public hearing to receive comments on an application for liquor license renewal for Y.H. Wang, Inc., D/B/A: Green Tea Restaurant, 1005 Main Street, Sanford, ME. Mayor Cote declared the public hearing open at 6:23 p.m. There was no one to speak for or against. The public hearing was declared closed at 6:24 p.m.
3. A public hearing to receive comment on the following:

Section 214.

Public Hearing on Ordinances

A proposed ordinance may be introduced in writing by any Councilor to the agenda of any regular or special meeting of the Council. Upon introduction of a proposed ordinance, the Clerk shall distribute a copy to each Councilor and to the City Manager; shall file a reasonable number of copies in the office of the Clerk, the Library, and the City of Sanford's website; and shall cause to be published, in a newspaper having a general circulation in the City, the wording of the proposed ordinance or a title descriptive of its contents and purpose, together with notice of the time and place of public hearing thereon. The public hearing shall follow the publication by at least ~~fourteen (14)~~ **ten (10)** days, may be held separately or in connection with a regular or special meeting of the Council and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. An ordinance shall become effective upon its adoption by the Council or at such later time as it may specify. After the hearing the Council may adopt the ordinance with or without amendment or reject it; but in no case shall the ordinance be adopted or rejected in less than fourteen (14) days after the public hearing. If an ordinance is amended so as to change substantially its meaning, the Council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures required in the case of a newly introduced ordinance. The above procedure may be waived only as provided in the following section dealing with emergency ordinances. The Council may enact rules controlling re-introduction of defeated ordinances. Mayor Cote declared the public hearing open at 6:25 p.m. There was no one else to speak for or against. City Manager Buck explained the reason for this proposal. Dianne Connolly voiced her concern regarding the last sentence. Mayor Cote reiterated that the only proposed change is from 14 to 10 days. The public hearing was declared closed at 6:29 p.m.

4. A public hearing on the following:

Section 1109. Restrictions on Election

To be considered a declared write-in candidate, a person must file a declaration of write-in candidacy with the City Clerk, on a form approved by the City Clerk, on or before ~~5 p.m.~~ **the close of business** on the 10th business day ~~prior to the election~~ **following the filing deadline of Municipal Nomination papers**. The candidate must meet all the other qualifications for that office. Mayor Cote declared the public hearing open at 6:30 p.m. There was no one to speak for or against. The public hearing was declared closed at 6:31 p.m.

5. A public hearing to receive comment on the on the following and refer the following to the Planning Board to make amendments to the medical marijuana land use standards to accommodate these standards:

An ordinance establishing standards for home cultivation of marijuana for the purpose of protecting the health, safety, and welfare of the public by requiring that that marijuana be cultivated on premises not inconsistent with the general use of the premises, and to reasonable standards including appropriately secured, adequately fire-protected, electrically-sufficient, explosive chemical-free, enclosed, and properly ventilated so as to prevent or minimize the adverse impacts of marijuana cultivation on the public, residents and especially children. The intent is to set cultivation standards and limit cultivation to premises and to land uses that are appropriate and in a manner not visible to the general public, prevent negative impacts to property value caused by moisture, fire and chemical hazards, inappropriate and inconsistent use of premises and land, prevent odor, and prevent social harm created by marijuana cultivation impacting adjacent properties, prevent crime associated with marijuana cultivation, and to ensure that marijuana growing remains secure and safely away from minors and illicit markets. Mayor Cote declared the public hearing open at 6:32 p.m. Derek Simpson asked if these rules would apply to licensed patients. Ian Houseal, Director of Community Development gave an explanation of these proposed standards. There was no one else to speak for or against. The public hearing was declared closed at 6:39 p.m.

6. A public hearing to receive comment on the proposed emergency ordinance:

An emergency ordinance to allow for the enforcement of State Law pertaining to the cultivation of marijuana visible from the street for the purposes of protecting the health, safety, and welfare of the public until such time that the State institutes appropriate and enforceable standards with regard to marijuana cultivation. This emergency ordinance may be adopted at the meeting at which it is introduced and will expire 91 days following the date of its adoption, but may be re-enacted if the emergency still exists. Mayor Cote declared the public hearing open at 6:40 p.m. Ian Houseal, Director of Community Development gave an explanation of why this emergency ordinance is needed. There was no one to speak for or against. The public hearing was declared closed at 6:42 p.m.

Consent Agenda

Mayor Cote sought comments or concerns regarding the following item. There were none. The consent agenda item was approved.

17-126.01 Ordered, to approve the following license requests:

1. An application for liquor license renewal for O-N Enterprises, Inc., D/B/A: Bowl-A-Rama, 1217 Main Street, Sanford, ME.
2. An application for liquor license renewal for Y.H. Wang, Inc., D/B/A: Green Tea Restaurant, 1005 Main Street Sanford, ME.
3. An application from the Sanford Lodge of Elks #1470, 13 Elm Street, Sanford, ME to extend the alcohol consumption area on Sunday, September 17th from 9:00 a.m. to 12:00 noon.

Old Business

New Business

17-127.02 The City Council of the City of Sanford hereby recognizes September as Pain Awareness & National Recovery Month. Deputy Mayor Herlihy moved to approve, seconded by Councilor Smith. The City Council voted 5-1 to approve.

17-128.03 Ordered, to make appointments to boards and committees. Deputy Mayor Herlihy moved to appoint Michelle Martin to the Sanford Trails Committee. The City Council voted 6-0 to approve.

17-129.04 Ordered, to authorize the City Manager to enter into an agreement with GRANICUS in the amount of \$5,280.00 annually for agenda management software. Councilor Smith moved to approve, seconded by Councilor Lanigan. City Manager Buck gave a presentation to the City Council. The City Council voted 6-0 to approve.

17-130.05 Ordered, to accept a loan in the amount of \$100,000.00 from the State of Maine, MEMA Dam Safety Program, Dam Repair and Reconstruction Fund and to authorize the City Manager to execute necessary documents for repairs to the Emery Mills Dam. Councilor Hanslip moved to approve, seconded by Councilor Lanigan. The City Council voted 6-0 to approve.

17-131.06 The City Council of the City of Sanford hereby ordains an ordinance establishing standards for home cultivation of marijuana for the purpose of protecting the health, safety, and welfare of the public by requiring that that marijuana be cultivated on premises not inconsistent with the general use of the premises, and to reasonable standards including appropriately secured, adequately fire-protected, electrically-sufficient, explosive

chemical-free, enclosed, and properly ventilated so as to prevent or minimize the adverse impacts of marijuana cultivation on the public, residents and especially children. The intent is to set cultivation standards and limit cultivation to premises and to land uses that are appropriate and in a manner not visible to the general public, prevent negative impacts to property value caused by moisture, fire and chemical hazards, inappropriate and inconsistent use of premises and land, prevent odor, and prevent social harm created by marijuana cultivation impacting adjacent properties, prevent crime associated with marijuana cultivation, and to ensure that marijuana growing remains secure and safely away from minors and illicit markets. (This item must be read on two separate days. This is the first reading.) No action taken

17-132.07 The City Council of the City of Sanford hereby ordains an emergency ordinance to allow for the enforcement of State Law pertaining to the cultivation of marijuana visible from the street for the purposes of protecting the health, safety, and welfare of the public until such time that the State institutes appropriate and enforceable standards with regard to marijuana cultivation. This emergency ordinance may be adopted at the meeting at which it is introduced and will expire 91 days following the date of its adoption, but may be re-enacted if the emergency still exists. Councilor Tuttle moved to approve, seconded by Deputy Mayor Herlihy. The City Council voted 6-0 to approve.

17-133.08 Ordered, to accept the proposed Charter amendments as follows:

1. Section 214. Public Hearing on Ordinances

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provided in the following section dealing with emergency ordinances. The Council may enact rules controlling re-introduction of defeated ordinances. Councilor Tuttle moved to approve, seconded by Deputy Mayor Herlihy. The City Council voted 6-0 to approve.

2. Section 1109. Restrictions on Election

To be considered a declared write-in candidate, a person must file a declaration of write-in candidacy with the City Clerk, on a form approved by the City Clerk, on or before ~~5 p.m.~~ **the close of business** on the 10th business day ~~prior to the election~~ **following the filing deadline of Municipal Nomination papers**. The candidate must meet all the other qualifications for that office. Councilor Tuttle moved to approve, seconded by Councilor Lanigan. The City Council voted 6-0 to approve.

Council Member Comments

Councilor Stackpole: None

Councilor Lanigan: None

Councilor Tuttle: Complaints about the traffic at Speedy Oil on Main Street between Jerrys market and Dairy Queen. Also, getting calls from residents about enacting a noise ordinance in Town. The noise at the Wolfs Club has gone down and he thanked them for that.

Councilor Smith: He has had a lot of calls on the inspection process. He feels that the more they are hearing about the program the more they understand it.

Councilor Hanslip: None

Deputy Mayor Herlihy: None

Mayor Cote: Welcomed kids back to school.

Future Agenda Items

Lanigan – Marijuana Task force: What is the total/max canopy space?

Public Safety: Enforcement of drug related issues

Adjournment

Deputy Mayor Herlihy moved to adjourn regular meeting at 7:53pm

Respectfully submitted by Sherry Lord, Executive Assistant