City Council Minute
February 11, 2013

Regular Meeting
City Hall Council Chambers

Monday, February 11, 2013
6:00 p.m.

The regular meeting was called to order by Chairman Kevin O'Connell.
The city clerk called the roll:

Councilor Ferris	-	present	Councilor Vachon	-	present
Councilor Verow	-	present	Chairman O'Connell	-	present
Councilor Goss	-	present			

Chairman O'Connell declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

Chairman O'Connell led members of the council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman O'Connell read the notice for the regular meeting.

TO: Joseph Ferris, Arthur Verow, Jerry Goss, Kevin O'Connell and Matthew Vachon
MEMBERS OF THE BREWER CITY COUNCIL You are hereby notified a regular meeting of the City Council will be held on Monday, February 11, 2013 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider and act on the items on the attached agenda.

s/Kevin O'Connell
Mayor and Chairman of the City Council

or_____
Majority of the City Council

a true copy, attest: s/Pamela J. Ryan
City Clerk

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OFFICER'S RETURN

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand or by leaving at the usual dwelling place of the within named an attested copy of this notice of meeting:

Given/Delivered to:	by (person delivering)	Title	Date	Time
Joseph Ferris	P. Gauvin	Cpl.	02/07/13	1355
Matthew Vachon	L. Sewall	Cpl.	02/07/13	1635
Arthur Verow	A. Pinette	Sgt.	02/07/13	1620
Jerry Goss	A. Jones	Sgt.	02/07/13	1625
Kevin O'Connell	L. Sewall	Cpl.	02/07/13	1630

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CITY COUNCIL REGULAR MEETING

Monday, February 11, 2013 6:00 P.M.
Brewer City Hall Council Chambers

I. Call to Order. (Mayor Kevin O'Connell)

II. Roll Call. (City Clerk)

III. Pledge of Allegiance to the Flag of the United States of America. Regular Meeting (Mayor O'Connell)

A. Minutes of January 14, 2013 Regular Meeting. (Councilor Verow)

B. Awards, Petitions and Public Comments.

1. (2013-B004) RESOLVE, Recognize the Penobscot Job Corps for Volunteer Work with the City of Brewer. (Councilor Verow)
2. Public Comments.

C. Consent Calendar.

1. (2013-A006) ORDER, Accept Donation to the Brewer Fire Department for the Equipment Account. (Councilor Ferris)
2. (2013-A007) ORDER, Accept Contribution to the Brewer Public Library From Gloria Faulkner and Authorize Use of These Funds to Supplement the Book Budget. (Councilor Vachon)
3. (2013-A008) ORDER, Accept Contribution to the Brewer Public Library From the Brewer Kiwanis and Authorize Use of These Funds for the Children's Programs and Projects. (Councilor Goss)
4. (2013-A009) ORDER, Accept and Dedicate Two Parcels of Property Conveyed by Old Mill Development, LLC and South Brewer Redevelopment, LLC to the City of Brewer as Public Ways. (Councilor Verow)
5. (2013-A010) ORDER, Amend the January 14, 2013 Agreement Between the City of Brewer and James L. Kearns, A/K/A James L. Kearns, Jr. (Councilor Vachon)
6. (2013-A011) ORDER, Issue a Release Deed to Gordon W. Brewer and Norma J. Brewer, Wiswell Road. (Councilor Ferris)
7. (2013-A012) ORDER, Authorize the City Manager to Sell Abandoned Property at 587 South Main Street. (Councilor Goss)
8. (2013-A013) ORDER, Accept Grant From Edward Byrne Memorial Justice Assistance (JAG) Grant Program to Purchase Use of Force Training Equipment for the Brewer Police Department. (Councilor Verow)

9. (2013-A014) ORDER, Authorize City of Brewer to Enter Into Three Year Contract with FairPoint Communications for Phone Service. (Councilor Ferris)
10. (2013-A015) ORDER, Authorize Amendments to City's Investment Policy. (Councilor Vachon)
11. (2013-A016) ORDER, Rescind Order 2012-A224 Passed at the November 19, 2012 Regular City Council Meeting and Replace it With New Order. (Councilor Goss)

D. Monthly Reports. (Councilor Verow)

E. Nominations, Appointments, Elections.

1. (2013-A017) ORDER, Appoint Rodney Butler as Assistant Code Enforcement Officer and Assistant Plumbing Inspector for the City of Brewer. (Councilor Vachon)

F. Unfinished Business.

1. (2013-C001) Amend Chapter 24, Entitled "Land Use", Article 3 Zoning Districts, Section 306.5, Schedule of Uses to Allow Churches within the Rural Zone, General Business Zone, Industrial Zone, Office Residential Zone and Professional Business Zone of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Ferris). (posted 01/15/13)

G. New Business.

1. (2013-C002) Amend Chapter 20, Entitled "Licenses and Permits", Article 2 Licenses, Sections 215.1, 215.2, 215.3 and 216.1. (Councilor Goss)
2. (2013-C003) Amend Chapter 8, Entitled "Elections", Article 3, Municipal Elections, Section 301, Ballot Format. (Councilor Verow)

H. New Items with Leave of Council.

I. ADJOURN.

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A. Minutes of January 14, 2013 Regular Meeting.

ACTION: Councilor Verow moved that the minutes be accepted and placed on file. The motion was seconded and passed by unanimous vote.

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B. Awards, Petitions and Public Comments.

2013-B004 February 11, 2013

TITLE: RESOLVE, RECOGNIZE THE PENOBSCOT JOB CORPS FOR VOLUNTEER WORK WITH THE CITY OF BREWER.

filed February 6, 2013
by Arthur Verow

WHEREAS, the Penobscot Job Corps has worked with the City of Brewer Water Pollution Control Facility for the past 4 years assisting with the Annual Stream Cleanup event; and

WHEREAS, in this process, more than 180 students have given their time and energy to help prevent storm water pollution; and

WHEREAS, in addition to the stream cleanup, the students stenciled hundreds of catch basins advising against dumping contaminates and handed out fliers to local residents with suggestions on how to prevent storm water pollution runoff from their property; and

WHEREAS, the students have been instrumental in collecting between 4-6 tons of trash from throughout the City each of the last 4 years; and

NOW, THEREFORE, BE IT RESOLVED, that the Brewer City Council, on behalf of the Citizens of the City of Brewer express our heartfelt gratitude to the students and staff of the Penobscot Job Corps for their selfless assistance in protecting our environment and enhancing the beauty of our natural resources.

ACTION: Councilor Verow moved that the resolve be adopted. The motion was seconded and passed.

Ken Locke, Director of Environmental Services, said that in 2009 Tracy Drew and Lou Colburn enlisted the help of the students of the Penobscot Job Corps during the annual stream cleanup and also stenciling catch basins.

Mayor O'Connell read the resolve into the record and thanked Mike Jellison of the Penobscot Job Corps for all their assistance in this annual cleanup.

Mayor O'Connell presented Mike Jellison with a framed attested copy of the resolve.

The resolve was adopted by unanimous vote.

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PUBLIC COMMENTS.

There were no public comments.
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C. Consent Calendar.

ACTION: Councilor Verow removed order 2013-A012 from the consent calendar. Councilor Vachon removed order 2013-A009 from the consent calendar.

Councilor Verow moved that the orders on the consent calendar except for orders 2013-A009 and A012 have passage. The motion was seconded and passed by unanimous vote.

2013-A006 February 11, 2013

TITLE: ORDER, ACCEPT DONATION TO THE BREWER FIRE DEPARTMENT FOR THE EQUIPMENT ACCOUNT.

filed February 6, 2013
by Joseph Ferris

WHEREAS, the City of Brewer has received a donation of $15.00 from Todd Whittaker;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts this donation and directs that the donated funds be deposited in account 0115901 503000 (Fire Department Equipment); and

FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of these funds form the Department's budget account 0115911 503000 (Minor Equipment).

FURTHER ORDERED, that a letter of acknowledgement and appreciation be sent to Todd Whittaker for his generous donation.
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2013-A007 February 11, 2013

TITLE: ORDER, ACCEPT CONTRIBUTION TO THE BREWER PUBLIC LIBRARY FROM GLORIA FAULKNER AND AUTHORIZE USE OF THESE FUNDS TO SUPPLEMENT BOOK BUDGET.

filed February 6, 2013
by Matthew Vachon

WHEREAS, the Brewer Public Library has received a contribution of $50.00 from Gloria Faulkner; and

WHEREAS, the library would like the funds to be used to purchase books;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts the contribution of $50.00 from Ms. Faulkner; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the funds be deposited in account 0107204-300420 (Library Contributions/Donations) and be appropriated and expended from 0117201-502750 (Library Books).

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.

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2013-A008 February 11, 2013

TITLE: ORDER, ACCEPT CONTRIBUTION TO THE BREWER PUBLIC LIBRARY FROM THE BREWER KIWANIS AND AUTHORIZE USE OF THESE FUNDS FOR THE CHILDREN'S PROGRAMS AND PROJECTS.

filed February 6, 2013
by Jerry Goss

WHEREAS, the Brewer Public Library has received a contribution of $500.00 from Brewer Kiwanis; and

WHEREAS, the library and the donor would like the funds to be used for children's programs and projects; and

WHEREAS, the Brewer Kiwanis has supported the children's reading and literacy efforts of the Brewer Public Library;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer by vote of its City Council, herewith accepts the contribution of $500.00 from the Brewer Kiwanis; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the funds be deposited in account 060072-360000-72011 (Brewer Kiwanis Grant Revenue) and be appropriated and expended from account 0600072-560000-72011 (Brewer Kiwanis Grant Expenses) for Children's programs and projects.

NOTE: The Brewer Public Library sends a letter of acknowledgement and appreciation on behalf of the City Council and the Library to all who contribute to the library.

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2013-A009 February 11, 2013

TITLE: ORDER, ACCEPT AND DEDICATE TWO PARCELS OF PROPERTY CONVEYED BY OLD MILL DEVELOPMENT, LLC AND SOUTH BREWER REDEVELOPMENT, LLC TO THE CITY OF BREWER AS PUBLIC WAYS.

filed February 6, 2013
by Arthur Verow

WHEREAS, previously approved Council Order 2011-A051 accepted deeds for the conveyance of two parcels of land from Old Mill Development, LLC and South Brewer Redevelopment, LLC to the City of Brewer; and

WHEREAS, the City Council now wishes to accept and dedicate these parcels as extensions of the South Main Street right of way;

NOW, THEREFORE, BE IT ORDERED, that the City Council herewith accepts and dedicates two parcels conveyed to the City of Brewer by previously approved Council Order 2011-A051 as extensions to the public way known as South Main Street pursuant to Title 23 M.R.S.A. Section 3021, et seq.

ACTION: Councilor Verow moved that the order have passage. The motion was seconded and passed.

Councilor Vachon asked the City Solicitor if this was to clean up a couple of small parcels when Route 15 was rebuilt and dedicate them as So. Main right of way extensions. The City Solicitor said that it was.

The order was passed by unanimous vote.

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2013-A010 February 11, 2013

TITLE: ORDER, AMEND THE JANUARY 14, 2013 AGREEMENT BETWEEN THE CITY OF BREWER AND JAMES L. KEARNS, A/K/A JAMES L. KEARNS, JR.

filed February 6, 2013
by Matthew Vachon

WHEREAS, the City Council passed City Council Order 2012-A237 on November 19, 2012, which provided for the City to enter into an Agreement with James L. Kearns, a/k/a James L. Kearns, Jr., to redeem the property situated at 87 Parker Street in Brewer; and

WHEREAS, the City Council did not approve the exhibits to go with the Agreement until its regular January 2013 City Council meeting; and

WHEREAS, the Agreement needs to be modified to correct the payment and reporting schedules; and

WHEREAS, the parties have agreed to the terms and conditions of the modification;

NOW, THEREFORE, BE IT ORDERED, that the Agreement dated January 14, 2013, with James L. Kearns, a/k/a James L. Kearns, Jr., is amended as follows:

1. Section 4 of the Agreement is amended to provide the first payment shall become due from James L. Kearns, a/k/a James L. Kearns, Jr., on February 14, 2013 and the City of Brewer shall provide a quarterly accounting to James l. Kearns, a/k/a James L. Kearns, Jr., beginning May 31, 2013.

2. Section 5 of the Agreement is amended to provide that James L. Kearns, a/k/a James L. Kearns, Jr., shall pay all sums due the City of Brewer in full on or before January 14, 2014.

3. In all other respects, the Agreement dated January 14, 2013, between the City of Brewer and James L. Kearns, a/k/a James L. Kearns, Jr. , shall remain in full force and effect.

BE IT FURTHER ORDERED, that the City Manager Stephen M. Bost, or his designee, shall sign the Amendment to the January 14, 2013 Agreement between the City of Brewer and James L. Kearns, a/k/a James L. Kearns, Jr., on behalf of the City of Brewer.
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2013-A011 February 11, 2013

TITLE: ORDER, ISSUE A RELEASE DEED TO GORDON W. BREWER AND NORMA J. BREWER, WISWELL ROAD.

filed February 6, 2013
by Joseph Ferris

ORDERED, that a municipal release deed be issued to Gordon W. Brewer and Norma J. Brewer releasing to them all rights, title and interest the City of Brewer may have acquired in the property on Wiswell Road (City Tax Map 1, Lot 1) by virtue of City of Brewer tax or sewer lines recorded in the Penobscot County Registry of Deeds in the following volumes and pages:

Volume	Page
12506	203

AND FURTHER ORDERED, that the City Manager, or his designee, is herewith authorized to execute the said municipal release deed on behalf of the City of Brewer, Maine.

NOTE: A total of $719.62 in principal was collected, along with $58.93 in interest and $53.63 in costs.

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2013-A012 February 11, 2013

TITLE: ORDER, AUTHORIZE THE CITY MANAGER TO SELL ABANDONED PROPERTY AT 587 SOUTH MAIN STREET.

filed February 6, 2013
by Jerry Goss

WHEREAS, the property located at 587 South Main Street has been abandoned for several years and has numerous foreclosed tax and sewer liens; and

WHEREAS, the City has provided required notifications regarding these past due amounts and the City Solicitor has worked diligently to contact the out-of-state owner to attempt to resolve the issue and is close to perfecting the City's title to the property; and

WHEREAS, the City would like to get the property back on the tax rolls;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to seek a buyer for the property and to negotiate and execute a purchase and sale agreement subject to the City's obtaining clear title to the property.

NOTE: The assessed value of the 0.09 acre property is $24,100 ($8,600 land; $15,500 building).

ACTION: Councilor Verow moved that the order have passage. The motion was seconded and passed.

Councilor Verow asked is this was the piece of property abutting the Granite Shoppe. He was answered that it was.

The order was passed by unanimous vote.

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2013-A013 February 11, 2013

TITLE: ORDER, ACCEPT GRANT FROM EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE (JAG) GRANT PROGRAM TO PURCHASE USE OF FORCE TRAINING EQUIPMENT FOR THE BREWER POLICE DEPARTMENT.

filed February 6, 2013
by Arthur Verow

WHEREAS, the City of Brewer has received a grant from the Edward Byrne Memorial Justice Assistance (JAG) Grant Program in the amount of $2,958.00. This grant program allows state and local governments to support a broad range of activities to prevent and control crime and improve the criminal justice system; and

WHEREAS, the Brewer Police Department will use these funds to purchase use of force training equipment to include FX training handguns, paint marking cartridges and protective equipment; and

WHEREAs, the costs for FX Training handguns, paint marking cartridges and protective equipment is $2,978.00; and

WHEREAS, the Brewer Police Department has adequate asset forfeiture funds to pay for the difference between the total costs of equipment and the amount of the grant award and the items present an eligible use of asset forfeiture funds; and

WHEREAS, the grant application was filed jointly with the other police agencies in Penobscot County and the Old Town Police Department has agreed to administer the grant;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council, herewith accepts these grant funds and directs that these funds be deposited to account 0600058-360000-58024 (Byrne JAG Supply Grant Rev) and expended from account 0600058-560000-58024 (Byrne JAG Supply Grant Expense) for the purchase of emergency FX training handguns, paint marking cartridges and protective equipment by the Brewer Police Department; and

BE IT FURTHER ORDERED, that the City Council authorizes the appropriation and expenditure of Brewer Police Department asset forfeiture funds to cover the remaining funds needed to purchase portable radios for this project.
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2013-A014 February 11, 2013

TITLE: ORDER, AUTHORIZE CITY OF BREWER TO ENTER INTO THREE YEAR CONTRACT WITH FAIRPOINT COMMUNICATIONS FOR PHONE SERVICE.

filed February 6, 2013
by Joseph Ferris

WHEREAS, recent deregulation by the Maine Public Utilities Commission has enabled FairPoint Communications to offer substantially lower rates; and

WHEREAS, FairPoint, the City's current phone service provider, has provided the City with a three year contract proposal that would lower the City's phone costs for our current service by over 40% (from approximately $1,630 per month to about $960 per month);

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby authorizes the City Manager, or his designee, to sign the necessary documents to enter into this three year contract with FairPoint for phone service; and

FURTHER ORDERED that the City Council of the City of Brewer herewith exercises its authority under Section 404 of the City's Purchasing Ordinance, Chapter 36 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of contractor services for this project.
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2013-A015 February 11, 2013

TITLE: ORDER, AUTHORIZE AMENDMENTS TO CITY'S INVESTMENT POLICY.

filed February 6, 2013
by Matthew Vachon

WHEREAS, in August 1999 the City Council adopted an investment policy, which was most recently amended in 2001; and

WHEREAS, the City wishes to amend the policy to reflect changes that have occurred in the investment and financial services industry;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby adopts the amendments to the City's Investment Policy presented in the attached document.

2013-A016 February 11, 2013

TITLE: ORDER, RESCIND ORDER 2012-A224 PASSED AT THE NOVEMBER 19, 2012 REGULAR CITY COUNCIL MEETING AND REPLACE IT WITH NEW ORDER.

filed February 6, 2013
by Jerry Goss

ORDERED, that the following order 2012-A224 passed at the November 19, 2912 regular City Council meeting be rescinded:

2012-A224 November 19, 2012

TITLE: ORDER, AUTHORIZE PAST WATER RATES TO BE COLLECTED VIA LIEN PROCESS.

filed November 13, 2012
by Larry T. Doughty

WHEREAS, certain rates owed are not collectible through the normal collections methods; and

WHEREAS, the State of Maine allows water utilities to collect unpaid rates by the lien Process under Title 35-A M.R.S.A. Chapter 61 §6111-A;

NOW, THEREFORE, BE IT ORDERED, that the City Manager, or his designee, is authorized to lien properties for unpaid Water Bills per the authority given by Title 35-A M.R.S.A. Chapter 61 §6111-A.

AND FURTHER ORDERED, that it be replaced with the following:

TITLE: ORDER, AUTHORIZE PAST WATER RATES TO BE COLLECTED VIA LIEN PROCESS.

WHEREAS, certain rates owed are not collectible through the normal collections methods; and

WHEREAS, the State of Maine allows water utilities to collect unpaid rates by the lien Process under Title 35-A M.R.S.A. Chapter 61 §6111-A;

NOW, THEREFORE, BE IT ORDERED, that the Treasurer, or his/her designee, is authorized to lien properties for unpaid Water Bills per the authority given by Title 35-A M.R.S.A. Chapter 61 §6111-A.
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D. Monthly Reports.

ACTION: Councilor Verow moved that the monthly reports from the city departments be accepted and placed on file. The motion was seconded and passed by unanimous vote.

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E. Nominations, Appointments, Elections.

2013-A017 February 11, 2013

TITLE: ORDER, APPOINT RODNEY BUTLER AS ASSISTANT CODE ENFORCEMENT OFFICER AND ASSISTANT PLUMBING INSPECTOR OF THE CITY OF BREWER.

filed February 6, 2013
by Matthew Vachon

ORDERED, that Rodney Butler is herewith appointed as an Assistant Code Enforcement Officer and Assistant Plumbing Inspector for the City of Brewer; and

FURTHER ORDERED, that this appointment is being made to provide coverage for the above offices in case of absence the Code Enforcement Officer and Plumbing Inspector and the Deputy Code Enforcement Officer and Deputy Plumbing Inspector.

ACTION: Councilor Vachon moved that the order have passage. The motion was seconded and passed.

The order was passed by unanimous vote.

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F. Unfinished Business.

1. (2013-C001) Amend Chapter 24, Entitled "Land Use", Article 3 Zoning Districts, Section 306.5, Schedule of Uses to Allow Churches within the Rural Zone, General Business Zone, Industrial Zone, Office Residential Zone and Professional Business Zone of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Ferris). (posted 01/15/13)

ACTION: Councilor Ferris moved that the proposed ordinance amendment be enacted. The motion was seconded.

Councilor Ferris moved that the proposed ordinance amendment be amended by substitution of the matrix attached to the proposed ordinance amendment as it pertains to churches. The motion was seconded.

The motion to accept the amendment was seconded and passed by unanimous vote.

The proposed ordinance amendment, as amended, was enacted by unanimous vote.

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G. New Business.

2013-C002 February 11, 2013

TITLE: AMEND CHAPTER 20, ENTITLED "LICENSES AND PERMITS", ARTICLE 2 LICENSES, SECTIONS 215.1, 215.2, 215.3 AND 216.1.

filed February 6, 2013
by Jerry Goss

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 20 of the Charter, Codes and Ordinances of the City of Brewer entitled "Licenses and Permits, Article 2 Licenses, Sections 215.1, 215.2, 215.3 and 216.1 be amended as follows:

SECTION 215.1 Any person, partnership corporation or other legal entity desiring to operate a one (1)day concession within the City at which food commonly consumed by persons is to be sold shall obtain a (1) one-day victualer's license. Said license shall state the time and place at which said concession is to operate. There shall be a limit of ~~two (2)~~ four (4) total licenses issued per year to any person, partnership, corporation or other legal entity wishing to obtain a one (1) day victualer's license. The fee for said license shall be in accordance with Article 4 of this Chapter.

SECTION 215.2 ~~LUNCH WAGONS~~ FOOD TRUCK. Persons, partnerships, corporations or other legal entities desiring to operate ~~lunch wagons~~ food trucks on the public streets of the City, shall first make an application and receive a license therefore, from the City. Said license shall include the hours at which the ~~lunch wagon~~ food truck may operate within the public ways of the City. Must have all State of Maine Licenses that pertain to food trucks and the sale of food therein. ~~No~~ Ssuch license shall be issued ~~except~~ upon certification of the Health Officer, Deputy Fire Chief and the Deputy Police Chief. The fee for said license shall be in accordance with Article 4 of this Chapter.

SECTION 215.3 Any ~~Lunch Wagon~~ food truck to be a permanent fixture on private property will have to comply with Chapter 24, Land Use Code of the City of Brewer and all ordinances and codes of the City of Brewer.

SECTION 216. LODGING HOUSES. Any person, partnership, corporation or other legal entity, operating a lodging house within the City shall obtain a license therefor in accordance with this Section. For the purposes of this section, the term "lodging house" shall mean "Rooming House" and "Motel-Hotel" as defined in the Brewer Land Use Code. No license to operate a lodging house shall be granted unless approved by the Police Chief, Fire Chief, Health Officer and the Code Enforcement Officer. The fee for the lodging house licenses shall be established in accordance with Article 4 of this Chapter.

SECTION 216.1 CONCESSION STANDS. Any person, partnership, corporation or other legal entity desiring to operate a concession stand within the City at which food commonly consumed by persons is to be sold shall obtain a license. A one day victualer license may be purchased, with a limit of ~~two per year total~~ up to four (4) days, up to four (4) times per year – not to be used consecutively. All sales shall be on private property. The person operating the concession stand must have written permission from the owner of the property. Must have all State of Maine Licenses that pertain to concession stands and the sale of food therein. The fees for a Concession Stand shall be the same as that of a Lunch Wagon.

ACTION: Councilor Goss moved that one copy of the proposed ordinance amendment be certified and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

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2013-C003 February 11, 2013

TITLE: AMEND CHAPTER 8, ENTITLED "ELECTIONS", ARTICLE 3, MUNICIPAL ELECTIONS, SECTION 301, BALLOT FORMAT.

filed February 6, 2013
by Arthur Verow

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 8 of the Charter, Codes and Ordinances of the City of Brewer entitled "Elections, Article 3 Municipal Elections, Section 301, Ballot Format be amended as follows:

CHAPTER 8. ELECTIONS

ARTICLE 3. MUNICIPAL ELECTIONS

SECTION 301. BALLOT FORMAT. Ballots for candidate for city or school elective offices and high school district trustees shall contain the name and street address of each candidate as shown on the nomination petitions. ~~Opposite~~ To the left of each name shall be one of the following: ~~(a) a square within which voters shall place a X(X)or a check mark(√); (b)~~ an oval which voters shall completely fill in, or ~~(c)~~ a broken arrow which voters shall connect to designate their choices. A blank space or spaces shall be left at the end of the list of candidates for each office in which voters may insert the name and street address of any person whose name not printed on the ballot for whom he or she desires to vote. The surname of any person so inserted may be given either first or last and his or her street address shall be given. The ballot shall be printed substantially as follows:

~~(BACK OF BALLOT)~~
OFFICIAL BALLOT FOR CITY OF BREWER
MUNICIPAL ELECTION, TUESDAY, MONTH, DAY, YEAR
~~Ward~~ _____
_____ A.D.
~~(Facsimile of Signature) City Clerk~~

To vote for a candidate do one of the following: ~~(a)mark an X(X)or a check mark(√); (b)~~ fill in the oval~~()~~; or ~~(c)~~ complete the arrow —→ in the square or space ~~opposite~~ to the left of the name and street address.

If you wrongly mark, tear or deface the ballot, return it and obtain another.

For Member(s) of the City Council
Vote for not more than (number)

Name of Candidate
Street Address
Name of Candidate

Street Address
Name of Candidate
Street Address
Name of Candidate
Street Address

For Superintending School Committee
Vote for not more than (number)

Name of Candidate
Street Address
Name of Candidate
Street Address

For Trustee of the Brewer High School District
Vote for not more than (number)

Name of Candidate
Street Address
Name of Candidate
Street Address

To have Referendum Question included on same ballot as candidate ballot the procedure is:

On your ballot, do one of the following: ~~(a) mark an X(X) or a check mark(√);(b)~~fill in the oval or, ~~(c)~~ complete the arrow
— →in the square or space ~~opposite your answer~~ to the left at the bottom of the question .

~~Shall Yes~~
~~No~~

Yes Shall (continuation of question)

No

(a brief explanation of the referendum question)

(Facsimile of Signature) City Clerk

ACTION: Councilor Verow moved that one copy of the proposed ordinance amendment be certified and filed with the City Clerk for posting. The motion was seconded and passed by unanimous vote.

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H. New Items with Leave of Council.

None.
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Chairman O'Connell said he would accept a motion for adjournment.

ACTION: Councilor Goss moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:25 pm.

ADJOURNED, ATTEST:_____ Pamela J. Ryan
City Clerk

A TRUE COPY, ATTEST:_____ Brewer, Maine