

City Council Minutes
August 8, 2017

Regular Meeting
City Hall Council Chambers

Tuesday, August 8, 2017
6:00 p.m.

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

Councilor Vachon-present
Councilor Goss-present
Councilor Ferris-present

Councilor Uhlenhake-present
Chairman O'Connell-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, Jerry Goss, Kevin O'Connell, Matthew Vachon and Beverly Uhlenhake
MEMBERS OF THE BREWER CITY COUNCIL you are hereby notified a regular meeting of the City Council will be held on Tuesday, August 8, 2017 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/Ronda J. Hogan
City Clerk

I have on the date(s) and time(s) indicated given notice of this meeting by giving in hand of 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	Freeman	Ptl.	8/4/17	17:10
Matthew Vachon	S. Bost	C.M.	8/4/17	4:15 pm
Beverly Uhlenhake	Freeman	Ptl.	8/4/17	17:20
Jerry Goss	Freeman	Ptl.	8/4/17	21:10
Kevin O'Connell	S. Bost	C.M.	8/4/17	3:40 pm

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CITY COUNCIL REGULAR MEETING
Tuesday, August 8, 2017 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor O'Connell)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor O'Connell)
- A. Minutes of July 25, 2017 Regular Meeting** (Councilor Goss)
- B. Awards, Petitions and Public Comments.**
 - 1. Public Comments
- IV. Recess for Public Hearing.**
- V. Adjourn Public Hearing and Continue with Regular Meeting.**
- C. Consent Calendar.**
 - 1. (2017-A128) ORDER, Accept Donations to the Brewer Public Library. (Councilor Vachon)
 - 2. (2017-A129) ORDER, Authorize a Contract Modification for the Paving of Robertson Blvd. (Councilor Goss)
 - 3. (2017-A130) ORDER, Award Contract for Wilson Street Traffic Signal Coordination, Phase 2 Project for Traffic Signal Coordination Component Installation. (Councilor Uhlenhake)
 - 4. (2017-A131) ORDER, Declare City Property Surplus and Authorize Sale or Disposal of Surplus Property (Councilor Ferris)
 - 5. (2017-A132) ORDER, Authorize the Purchase of the City's Existing Street Lighting Fixtures from Emera Maine. (Councilor Vachon)
- D. Monthly Reports.** (Councilor Goss)
- E. Nominations, Appointments, Elections.**
 - 1. Consent Calendar.
- F. Unfinished Business.**
 - 1. (2017-C012) Amend Chapter 31, Entitled "Sewer and Pre-Treatment Ordinance", Article 12, Schedule of Sewer Rates, Section 1200 of the Charter, Codes and Ordinances of the City of Brewer. (Councilor Uhlenhake)
- G. New Business.**
 - 1. (2017-C013) Amend the Zoning District to Change a Portion of General Business (GB) to Office Residential (OR) at 219 State Street, Tax Map 50, Lot 16. (Councilor Uhlenhake)
 - 2. (2017-C014) Amend Chapter 24 (Land Use Code) Article 4, Performance Standards, Section 411, Day Care and Section 415 Home Occupations (Councilor Ferris)
 - 3. (2017-A133) ORDER, Convene in Executive Session Pursuant to Title 1, M.R.S.A. §405(6)(A) on a Personnel Matter. (Councilor Vachon)
- H. New Items with Leave of Council.**

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I. ADJOURN.

A. Minutes of July 25, 2017 Regular Meeting

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

B. Awards, Petitions and Public Comments.

ACTION: There were no awards, petitions or public comments.

Recess for Public Hearing

Chairman O'Connell said the City Council would recess for a public hearing and after the public hearing would return to the regular meeting and take up the rest of the items on the agenda.

The public hearing was called to order by Chairman O'Connell.

The City Clerk called the roll:

Councilor Vachon-present

Councilor Goss-present

Councilor Ferris-present

Councilor Uhlenhake-present

Chairman O'Connell-present

Chairman O'Connell declared all members were present.

Chairman O'Connell announced that there was not a public hearing.

Chairman O'Connell adjourned the public hearing.

The City Clerk called the roll and all members of the Council were present.

Chairman O'Connell said the regular meeting would resume at this time.

C. Consent Calendar.

ACTION: Chairman O'Connell removed order 2017- A132 from the consent calendar.

Councilor Vachon moved that the rest of the orders on the consent calendar have passage.

The motion was seconded and passed by unanimous vote.

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2017-A128

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TITLE: ORDER, ACCEPT DONATIONS TO THE BREWER PUBLIC LIBRARY.

Filed August 1, 2017
By Matthew Vachon

WHEREAS, the Brewer Public Library has received a contribution of \$20.00 from Perry and Pauline Drew, in memory of Arthur "Farr" Rowe; and

WHEREAS, the Brewer Public Library has received a contribution of \$30.00 from Sharon Van Dyne and

WHEREAS, it is the recommendation and request of the Library Director and donors that these contributions be used to supplement and support the purchase of new books for the City of Brewer Public Library;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$50.00 and authorizes their deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 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.

STATEMENT OF FACT

This order accepts contributions to the City of Brewer Public Library, and authorizes the expenditure of these contributions for the purchase of new books.

2017-A129

August 8, 2017

TITLE: ORDER, AUTHORIZE A CONTRACT MODIFICATION FOR THE PAVING OF ROBERTSON BLVD.

Filed July 31, 2017
By Jerry Goss

WHEREAS, Council authorized a capital expenditure of \$145,000 for the paving of Robertson Blvd. In the FY 2018 CIP; and

WHEREAS, All of the other streets in the East/West Industrial Park will be paved later this month under the City's previously approved FY 2017 Annual Paving Contract which was awarded to B&B Paving of Hermon in August of 2016 by Council Order 2016-A134; and

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WHEREAS, B&B Paving has agreed to complete the additional paving of Robertson Blvd. at the unit prices agreed to in the FY 2017 contract; and

WHEREAS, The City Engineer and the Public Works Director have recommended adding the paving of Robertson Blvd. to the previously authorized B&B contract in order to allow for the completion of all roads in the Industrial Park this summer;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith authorizes the addition of \$145,000 to the previously approved FY 2017 Annual Paving Contract with B&B Paving of Hermon for the purpose of resurfacing Robertson Blvd.; and

BE IT FURTHER ORDERED, that this additional expenditure shall be charged to CIP Account 0510113-551615; and

BE IT FURTHER ORDERED, the Brewer City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the provision of these Paving Services.

STATEMENT OF FACT

This order modifies the existing annual paving contract (currently awarded to B&B Paving) by authorizing \$145,000 in additional funding and adding the paving of Robertson Blvd. to the contract.

2017-A130

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TITLE: ORDER, AWARD CONTRACT FOR WILSON STREET TRAFFIC SIGNAL COORDINATION, PHASE 2 PROJECT FOR TRAFFIC SIGNAL COORDINATION COMPONENT INSTALLATION.

Filed July 31, 2017
By Beverly Uhlenhake

WHEREAS, The City of Brewer has been collecting impact fees for the planned coordination of traffic signals on Wilson Street; and

WHEREAS, This project was originally intended to be one phase for all eight intersections but was broken into two phases during design to evaluate the new equipment on a smaller scale before making the total investment for the entire project; and

WHEREAS, Phase I of the interconnect project has been up and running well since September 2016 and Phase II will be a continuation of this project; and

WHEREAS, The City was awarded a Municipal Partnership Initiative grant by MDOT in 2016 for construction of phase 2 in 2017 and MDOT will be reimbursing the City for half of the cost of the project, up to \$45,000; and

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WHEREAS, Due to the intricacies of this project and the limited number of qualified firms capable of designing and constructing this type of work, the Engineering Department would like to reassemble the same team of consultant and contractors that completed Phase 1 for the sake of continuity and consistency;

WHEREAS, Contracts have previously been awarded for Design Services and for the installation of a radio communications system in support of the second phase of this project;

NOW THEREFORE BE IT ORDERED, that that City Council herewith authorizes the City Manager or his designee to execute a contract with Electric Light Company, Inc. of Cape Neddick, Maine in the amount of \$32,500 for the installation of equipment associated with Phase Two of the Wilson Street Traffic Signal Interconnect Project; and

BE IT FURTHER ORDERED, that the Brewer City Council herewith exercises its authority under Chapter 36, Section 404 of the City's Purchasing Ordinance for the provision of these Construction Services, and

BE IT FURTHER ORDERED, that all costs associated with this contract shall be charged to CIP account 0510133-551316-00478 (Signal Coordination).

STATEMENT OF FACT

This order awards the contract for installation of the traffic signal equipment for Phase II of the Wilson Street Interconnect project, which will add 5 more intersections to the existing three interconnected intersections.

2017-A131

August 8, 2017

TITLE: ORDER, DECLARE CITY PROPERTY SURPLUS AND AUTHORIZE SALE OR DISPOSAL OF SURPLUS PROPERTY

Filed August 1, 2017
By Joseph Ferris

WHEREAS, property belonging to the City of Brewer has been identified as being no longer useful to the City,

NOW, THEREFORE, BE IT ORDERED, that the Brewer City Council declares the following Water Department equipment as surplus; PLC components removed from service during our SCADA upgrade.

BE IT FURTHER ORDERED, that the City Manager, or his designee, is authorized to sell, recycle or dispose of all equipment by means that would be in the best interest of the City of Brewer; and

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BE IT FURTHER ORDERED, that any funds received from the sale of the above mentioned items be receipted to the Water Department's Wellness account (0670001-300410) and be authorized for expenditure from Water Wellness Expense account (0670001-500844)

STATEMENT OF FACT

This order authorizes the disposal of the PLC I/O cards, backplanes and communication modules no longer used or of use to the city. This unit was replaced in 2016.

2017-A132

August 8, 2017

TITLE: ORDER, AUTHORIZE THE PURCHASE OF THE CITY'S EXISTING STREET LIGHTING FIXTURES FROM EMERA MAINE.

Filed July 25, 2017

By Matthew Vachon

WHEREAS, The City can realize dramatic savings in the costs associated with street lighting by purchasing the existing high pressure sodium street lighting fixtures from Emera Maine and replacing them with new state of the art LED fixtures which the City will then own and maintain; and

WHEREAS, Last month the City Council authorized a contract with Tanko Lighting to design and install new replacement LED fixtures city-wide; and

WHEREAS, Emera Maine has provided Brewer an estimated purchase price of \$36,218 for all existing fixtures based on its most recent inventory records; and

WHEREAS, Tanko Lighting's detailed street light inventory and reconciliation with Emera's records will allow Emera Maine to provide a firm price, which is unlikely to differ from its estimate by more than 35%; and

WHEREAS, \$450,000 in funding for the purchase and conversion of the street lights in Brewer was included in the FY18 CIP approved by Council in June;

NOW THEREFORE BE IT ORDERED, that the City Council hereby authorizes the City Manager or his designee to undertake the steps and execute documents necessary to purchase the municipal street lights in Brewer from Emera Maine for an amount not to exceed \$50,000; and

BE IT FURTHER ORDERED, that the cost for this purchase shall be charged to 0510113-551308 (Street Light Acquisition and LED Conversion) ; and

BE IT 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 supplies and/or contractor services for this project.

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STATEMENT OF FACT

This order authorizes the purchase of the City's existing street lighting fixtures which are currently owned by Emera Maine and rented to the city on a monthly, per fixture basis. This purchase, along with the Tanko Lighting contract authorized by Council last month, covers all costs anticipated for the project.

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

Chairman O'Connell said he would not vote on this order.

The order was passed by a 4 to 0 vote (Chairman O'Connell abstained).

D. Monthly Reports.

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

E. Nominations, Appointments, Elections.

There were no nominations, appointments or elections.

F. Unfinished Business.

2017-C012 AMEND CHAPTER 31, ENTITLED SEWER AND PRE-TREATMENT ORDINANCE, ARTICLE 12 "SCHEDULE OF SEWER RATES", SECTION 1200 OF THE CHARTER, CODES AND ORDINANCES OF THE CITY OF BREWER.

ACTION: Councilor Uhlenhake moved that the proposed ordinance amendment be enacted. The motion was seconded and passed by unanimous vote.

Be it ordained by the City Council of the City of Brewer in City Council assembled that Chapter 31 of the Charter, Codes and Ordinances of the City of Brewer entitled "City of Brewer Sewer and Pre-Treatment Ordinance" be amended by changing Article 12, Section 1200 to read as follows:

ARTICLE 12 - SCHEDULE OF SEWER RATES

SECTION 1200. METER RATES

Rates based on water meter readings for the use of and for the services furnished, or to be furnished by the municipal sewer facility on property having water metered service, not including meters used exclusively for water not draining into sewers:

QUARTERLY

Effective beginning with and retroactive, the period covered by the September, ~~2016~~ 2017 billing, the following rates shall apply:

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For the first 1,000 cu. ft. per quarter: ~~\$84.30~~ \$86.80 minimum charge for Residential customers classified in the billing system as User Type 9.

For the first 1200 cu. ft. per quarter: ~~\$101.16~~ \$104.16 minimum charge for all other users not otherwise classified as a Residential customer.

Effective beginning with the period covered by the September, ~~2016~~ 2017 billing, the following rates shall apply:

For all in excess of 1,000 cu. ft. per quarter: ~~\$8.43~~ \$8.68 per 100 cu. ft.

STATEMENT OF FACT

The FY2018 budget the Brewer City Council approved at its June 6, 2017 meeting anticipated an increase in the sewer rate of \$0.25 per 100 cubic feet, or about \$3 per quarter for the average residential sewer user. This order amends City Ordinance to reflect this change.

G. New Business.

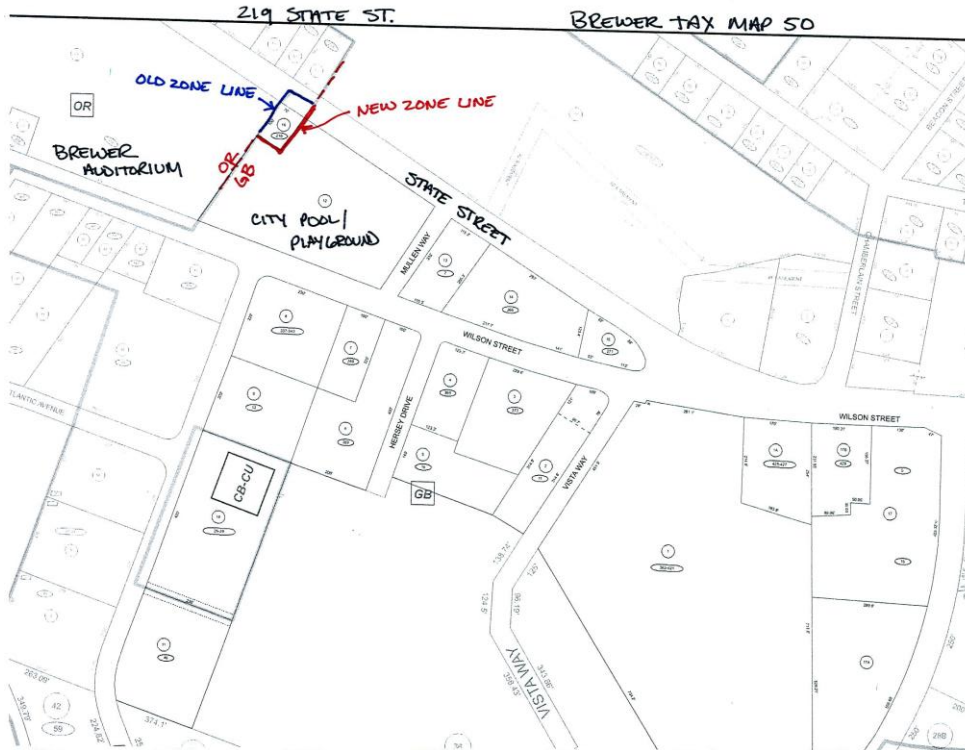
2017-C013

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TITLE: AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES TO CHANGE A PORTION OF GENERAL BUSINESS (GB) ZONING DISTRICT TO OFFICE RESIDENTIAL (OR) ZONING DISTRICT AT 219 STATE STREET (TAX MAP 50, LOT 16).

Be it ordained by the City of Brewer in City Council assembled that Chapter 24, entitled "Land Use Code" of the City of Brewer Charter, Codes and Ordinances, be amended to change a portion of General Business (GB) zoning district to Office Residential (OR) zoning district at 219 State Street (tax map 50, lot 16) with said zone line going to the centerline of State Street.

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STATEMENT OF FACT

The existing house located at 219 State Street is currently considered legal non-conforming as single-family residential is not allowed in the GB district. The current GB/OR zone line follows the westerly side of this parcel where single-family residential is allowed in the OR zone. Moving the zone line to the easterly side of this parcel would make this house conforming and match the OR zoning across the street.

ACTION: Councilor Uhlenhake 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.

2017-C014

August 8, 2017

TITLE: AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 3, ZONING DISTRICTS, SECTION 306.5 SCHEDULE OF USES; ARTICLE 4, PERFORMANCE STANDARDS, SECTION 411, DAY CARE AND SECTION 415 HOME OCCUPATIONS; AND ARTICLE 14, DEFINITIONS.

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Be it ordained by the City of Brewer in City Council assembled that Chapter 24, of the Charter, Codes and Ordinances of the City of Brewer, entitled “Land Use Code” to be amended as follows.

ARTICLE 3 ZONING DISTRICTS

306.5 SCHEDULE OF USES (#31)

USE	RURAL	LDR	MDR-1	MDR-2	HDR	HDR-2	CB	GB	IND	IND-2	OR	PB	DD
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RESIDENTIAL USES													
Accessory Use	P	P	P	P	P	P	P				P		P
Single-family Dwelling	P	P	P	P	P	P	P	P-61			P		
Home Occupations	P	P	P	P	P	P	P				P		
<u>Home Day Care</u>	<u>D-62</u>	<u>D-62</u>	<u>D-62</u>	<u>D-62</u>	<u>D-62</u>	<u>D-62</u>	<u>D-62</u>				<u>D-62</u>		

COMMERCIAL (continued)													
<u>Day-Care Facility, Children</u>	<u>P-62</u>	<u>P-62</u>	<u>P-62</u>	<u>P-62</u>	<u>P-62</u>	<u>P-62</u>	<u>P-62</u>					<u>S-62</u>	
<u>Day-Care Facility, Adult</u>	<u>P-62</u>	<u>P-62</u>	<u>P-62</u>	<u>P-62</u>	<u>P-62</u>	<u>P-62</u>	<u>P-62</u>					<u>S-62</u>	

Footnotes to Schedule of Land Uses

62. To be reviewed **by Planning Board** referencing **only** the requirements of Article 4, Section 411.

ARTICLE 4 PERFORMANCE STANDARDS

411 DAY CARE

411.1 All Day Care types shall be: (#2)

1. Licensed by the Maine Department of Human Services, Bureau of Social Services, Day Care Division. Approved by the State Fire Marshal’s Office and/or any other required State or Federal approval.
2. Subject to annual City of Brewer permit.
3. Home Day Cares Facilities shall meet the criteria of Article 4, Section 411, of this Land Use Code. Child Care Centers shall meet the criteria of Article 4, Section 411 of this Land Use Code, and meet the criteria of Article 6, Site Plan Review of this Land Use Code, and All Day Cares shall follow the procedures outlined in Article 3, Section 306.5 Article 6, Site Plan Review of this Land Use Code.

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4. Fees for a home day care facility shall be a non-refundable application fee set forth in the then current City Council adopted fee schedule, payable to the City of Brewer, ~~plus legal notice fees for the required public hearing as set forth in the City Council adopted fee schedule.~~ Fees for a child care center shall follow Article 6, Site Plan Review of the Land Use Code. (#37)

411.2 OUTDOOR PLAY AREA FOR CHILD DAY CARE

All daycare types shall provide a safe, hazard-free outside play area with a minimum of seventy-five square feet per child. The play area shall be provided with fencing to provide security and screening. There must be an exit from the play area other than through a building. All parts of the play area must be under constant adult supervision. Play equipment shall meet the "Standard Consumer Safety Specifications for Playground Equipment for Public Use - Designation F 1487-95," and be maintained in good repair.

411.3 HOURS OF OPERATION (#2)

"Home Day Care Facilities" shall not operate between the hours of 6:00 p.m. and 6:00 a.m. unless specifically approved by the City's appropriate authority as defined by Article 3, Section 306.5 Planning Board.

411.4 PARKING

"Home Day Care Facilities" shall provide one off-street parking space per four (4) children plus one (1) space per employee who does not reside on the premises. Parking shall be provided in the side or rear yard only.

Such parking requirements shall be in addition to parking required for the initial use. (For example: a single-family dwelling requires two parking spaces, plus three for day care for 12 children plus two for two outside employees = 7 off-street parking spaces required). All parking shall comply with the parking standards of this Article.

411.5 SIGNS

"Home Day Care Facilities" may have an unlighted sign not to exceed two (2) square feet. Sign permit is required for all signs.

411.6 EMPLOYEES

"Home Day Care Facilities" may employ up to two (2) persons who do not reside on the premises.

415 HOME OCCUPATIONS

415.13 Home day cares shall be reviewed under Section 411 of the Brewer Land Use Code.

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ARTICLE 14 DEFINITIONS

Child Care Center: A building or buildings in which a person or persons maintain or otherwise carries out a program, for any part of the day, providing care and protection for three or more more than twelve children. Child Care Centers, with or without consideration for the services rendered, may be operated as a service business ~~or~~ within a church or community building in any zoning district. This does not include home day cares per the definition contained in this article.

Home Day Care Facility, Children: A dwelling in which a person or persons residing on the premises provides or maintains a regular program for consideration, for any part of the day, providing care and protection for three or more to twelve children.

Home Day Care Facility, Adult: A dwelling in which a person or persons residing on the premises provides or maintains a regular program for consideration, for any part of the day, providing care and protection for three or more to twelve adults over the age of 16.

STATEMENT OF FACT

The definitions and requirements for day cares, especially home day cares, are not clear in the current Land Use Code. The difference between home day care and commercial day care facilities has several different criteria which has been confusing to both staff and the public. The proposed changes would specifically draw a distinction between those day cares located in a home where the operator lives versus a standalone business. The proposed changes would also better match State regulations. This proposed amendment would also allow home day cares to be located in the OR district (they are allowed in all other districts where single-family residential is allowed) and change the review/approval process from the Planning Board to the mid-level Departmental Review.

ACTION: Councilor Ferris 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.

H. New Items with Leave of Council.

2017-A134

August 8, 2017

TITLE: ORDER, GRANT APPROVAL TO HIGH TIDE RESTAURANT TO ALLOW PATRONS TO CONSUME ALCOHOL AT A SPECIAL OUTDOOR EVENT ON THE RESTAURANT'S PROPERTY.

WHEREAS, High Tide Restaurant is licensed by the State of Maine, Bureau of Alcoholic Beverages, to sell liquor within the confines of its establishment at 5 South Main Street; and

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WHEREAS, High Tide Restaurant has submitted a request to the City Council for approval to allow consumption of alcohol in an outdoor area on its premises at 5 South Main Street on Saturday, August 12, 2017 for a fundraiser; and

WHEREAS, it is the understanding of the City Council that the Bureau of Alcoholic Beverages may permit patrons of High Tide to consume alcohol in an outdoor area if the City Council approves of such activity; and

WHEREAS, it is the sense of the Brewer City Council that permitting patrons of the High Tide Restaurant to consume alcohol in an outdoor area at 5 South Main Street under conditions established by the Bureau of Alcoholic Beverages will not be detrimental to the peace, health and safety of the citizens of the City of Brewer;

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Codes and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer;

NOW, THEREFORE, BE IT ORDERED, That the Brewer City Council herewith approves the High Tide Restaurant request for permission to sell and allow patrons to consume alcohol in an enclosed and designated area at 5 South Main Street on August 12, 2017 for the 'Rumble on the River' Fundraiser; and

FURTHER, ORDERED, that the City Clerk inform the Bureau of Alcoholic Beverages of this approval of the Brewer City Council.

STATEMENT OF FACT

Request from Brewer establishment to conduct an outdoor event which needs City Council approval.

ACTION: Chairman O'Connell called on Christie Aleksiewicz, manager at High Tide Restaurant to explain a bit more about what the "Rumble on the River" event is about.

Councilor Goss moved that the order have passage. The motion was seconded and passed by unanimous vote.

2017-A135

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TITLE: ORDER, AUTHORIZE APPROPRIATION OF PASSPORT FUNDS

WHEREAS, FY17 saw a marked increase in passport applications at the Library due in large part to the uncertainty resulting from Maine's non-compliance with the federal Real ID law; and

WHEREAS, the Library collected almost \$25,000 in passport revenue, which was significantly more than the \$5,000 it had budgeted to receive in FY17; and

WHEREAS, the City would like to use a portion of the \$19,000 in unanticipated revenue

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to clear up two legacy balances totaling \$9,808 that relate to history room and HVAC improvements;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith authorizes the appropriation and expenditure of funds received from passport processing in FY17 to clear balances associated with history room and HVAC improvements at the Library, Project Codes 72017 and 72014, respectively.

Statement of Fact

This order authorizes the use of \$9,808 of the \$19,000 in unanticipated passport revenue received in FY17 to pay off legacy balances associated with history room and HVAC improvements at the Library.

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

2017-C015

August 8, 2017

TITLE: ORDER, Amend Chapter 24, Land Use Code, Article 3, Section 306.3, Uses Substantially Similar to Permitted Uses, Item 3 Prohibited Uses, of the City of Brewer Charter, Codes and Ordinances

EMERGENCY PREAMBLE

WHEREAS, by unanimous consent of the Members of the City Council present and voting; and

WHEREAS, the Members of the City Council present and voting unanimously approved this Order and the posted of this proposed amendment because of the limitation of the statutory moratorium, as extended, which terminates in September of 2017, after the regular City Council meeting in September of 2017; and

WHEREAS, orders passed by the Brewer City Council do not become effective until five days after approval unless such orders contain emergency preambles; and

WHEREAS, it is imperative that the order become effective immediately to allow the City Council to act at its September 12, 2017, regular Council meeting and prior to the end of the statutory moratorium; and

WHEREAS, these facts create an emergency within the meaning of the Charter, Code and Ordinances of the City of Brewer and require that the following order become effective immediately upon its approval to protect the public health, common welfare and safety of the citizens of Brewer; and

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WHEREAS, Chapter 24, Article 3, Section 306.3, Uses Substantially Similar to Permitted Uses, Item 3, Prohibited Uses, of the City of Brewer Charter, Codes and Ordinances needs to be amended to reflect the prohibition of recreational marijuana uses as defined by Maine State Statute , until the Maine Legislature enacts legislation controlling the rights of municipalities; and

WHEREAS, the City Council wants to amend Chapter 24, Land Use Code, Article 3, Section 306.3, Uses Substantially Similar to Permitted Uses, Item 3, Prohibited Uses; and

WHEREAS, the City Council has received a positive recommendation from the Planning Board on the proposed amendment;

NOW, THEREFORE, BE IT ORDERED that the proposed amendment to Chapter 24, Land Use Code, Article 3, Section 306.3, Uses Substantially Similar to Permitted Uses, Item 3, Prohibited Uses, of the City of Brewer Charter, Codes and Ordinances that would read as follows be enacted by the Brewer City Council:

ARTICLE 3 ZONING DISTRICTS

306.3 USES SUBSTANTIALLY SIMILAR TO PERMITTED USES (#41)

1. USES ALLOWED WITH OR WITHOUT A PERMIT

Uses substantially similar to those allowed with or without a permit, but which are not listed in the Schedule of Uses, may be permitted upon a ruling of the Code Enforcement Officer that such unlisted use is substantially similar to such allowed uses.

2. USES REQUIRING SITE PLAN APPROVAL

Uses substantially similar to those requiring Site Plan approval under this Ordinance, as determined by the Code Enforcement Officer, but which are not listed in the Schedule of Uses may be permitted by the Planning Board.

3. PROHIBITED USES

Uses substantially similar to a prohibited use in the Schedule of Uses, as determined by the Code Enforcement Officer, are prohibited.

The following recreational marijuana uses, as defined by State Statute, are prohibited (this does not prohibit the cultivation and sale of medical marijuana as currently permitted by this Land Use Code);

- Retail marijuana cultivation facilities;
- Retail marijuana products manufacturing facilities;
- Retail marijuana testing facilities;
- Retail marijuana stores; and
- Social clubs where product can be sold and used.

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STATEMENT OF FACT

Post the proposed amendments to the Land Use Code for the statutory thirty (30) day posting period.

ACTION: Chairman O'Connell called on Linda Johns, Brewer City Planner, to state what had happened at the previous Planning Board meeting. Johns relayed that the Brewer City Planning Board had a meeting where there was a public hearing and no one had spoken out in favor or opposed to the ordinance amendment. The Planning Board recommended that the Council approve the amendment.

Councilor Uhlenhake 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.

2017-A133

August 8, 2017

TITLE: ORDER, CONVENE IN EXECUTIVE SESSION PURSUANT TO TITLE 1, M.R.S.A. § 405(6)(A) ON A PERSONNEL MATTER.

ORDERED, that the Brewer City Council convene in executive session pursuant to Title 1, Maine Revised Statutes Annotated, § 405(6)(A) on a personnel matter.

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

The order was passed by unanimous vote.

Chairman O'Connell said the executive session on a personnel matter would include City Council members and the City Manager.

Chairman O'Connell said the regular meeting would resume after the executive session solely to adjourn the meeting.

The regular meeting adjourned at 6:14 p.m. for City Council members to go into executive session.

The regular meeting was called back to order by Chairman O'Connell.

The city clerk called the roll:

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

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August 8, 2017

Chairman O'Connell said he would accept a motion for adjournment.

ACTION: Councilor Ferris moved that the meeting be adjourned. The motion was seconded and passed by unanimous vote. The meeting adjourned at 6:42 p.m.

ADJOURNED, ATTEST: _____ Ronda J. Hogan

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine