

City Council Minutes

January 23, 2018

Regular Meeting
City Hall Council Chambers

Tuesday, January 23, 2018
6:00 p.m.

The regular meeting was called to order by Chairman Jerry Goss. The City Clerk called the roll:

Councilor Vachon-present
Councilor O’Connell-present
Councilor Ferris-present

Councilor Uhlenhake-present
Chairman Goss-present

Chairman Goss declared a quorum present. City Manager Bost and City Solicitor Dearborn were also present.

Chairman Goss led members of the Council and others present in reciting the pledge of allegiance to the flag of the United States of America.

Chairman Goss 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, January 23, 2018 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/Jerry Goss
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	R.Hogan	C.C.	1/19/18	4:00pm
Matthew Vachon	A.Treadwell	Admin. Asst.	1/19/18	4:15 pm
Beverly Uhlenhake	E.Willey	Sgt.	1/19/18	17:45
Jerry Goss	E. Willey	Sgt.	1/19/18	17:80
Kevin O’Connell	R. Doble	Eco. Dev	1/19/18	4:00pm

CITY COUNCIL REGULAR MEETING
Tuesday, January 23, 2018 6:00 P.M.
Brewer City Hall Council Chambers

- I. Call to Order.** (Mayor Goss)
- II. Roll Call.** (City Clerk)
- III. Pledge of Allegiance to the Flag of the United States of America.** (Mayor Goss)
- A. Minutes of December 12, 2017 Regular Meeting** (Councilor O'Connell)
- B. Awards, Petitions and Public Comments.**
 1. (2018-B001) RESOLVE Resolution of Respect for Allison Joseph Briggs (Mayor Goss)
 2. (2018-B002) RESOLVE Resolution of Respect for Carlye Butterfield "Carl" Coutts (Councilor Uhlenhake)
 3. (2018-B003) RESOLVE Resolution of Respect for Patricia E. Gero (Councilor O'Connell)
 4. (2018-B004) RESOLVE Resolution of Respect for Marylee Wood Rogers (Councilor Ferris)
 5. Presentation: FY17 Audit
- IV. Recess for Public Hearings.**
 1. Application of Cap's Tavern & Bar, 494 ½ South Main Street for a State of Maine Class A Lounge (Class X, malt, vinous & spirituous) Liquor License.
 2. Application of Las Palapas II Mexican Restaurant, LLC, 557 Wilson Street for a State of Maine Restaurant Class I,II,III, IV (malt, spirituous and vinous) Liquor License.
- C. Consent Calendar.**
 1. (2018-A001) ORDER Accept Castine Lane and Dedicate it as a Public Way (Councilor Vachon)
 2. (2018-A002) ORDER Authorize Purchase of Parts to Repair a Gravity Thickener at BWPCF (Councilor O'Connell)
 3. (2018-A003) ORDER Accept Funds from Insurance Proceeds to Repair Building (Councilor Uhlehake)
 4. (2018-A004) ORDER Accept Donations to the Brewer Public Library for Books (Councilor Ferris)
 5. (2018-A005) ORDER Accept Donation of Original Painting to the Brewer Public Library (Councilor Goss)
 6. (2018-A006) ORDER Accept Donations from the Fishers for Brewer Programs (Councilor Vachon)
 7. (2018-A007) ORDER Accept Donation to the Brewer Public Library (Councilor O'Connell)
 8. (2018-A008) ORDER Accept Donation to the Brewer Public Library for Special Events (Councilor Uhlenhake)
 9. (2018-A009) ORDER Accept Donation to the Brewer Parks and Recreation Department for Spring Programs (Councilor Ferris)
 10. (2018-A010) ORDER Adopt Capital Improvement Program for Wilson Street (Councilor Vachon)

City Council Minutes

January 23, 2018

D. Monthly Reports. (Councilor O’Connell)

E. Nominations, Appointments, Elections.

F. Unfinished Business.

G. New Business.

1. (2018-C001) Amend Chapter 24, Entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, Article 4, Performance Standards, Section 424 Parking and Loading, Subsection 424.2 General Parking Requirements. (Councilor O’Connell)
2. (2018-C002) Amend Chapter 24, Entitled “Land Use Code” of the City of Brewer Charter, Codes and Ordinances, to Nullify an Existing Contract Zone Agreement Between the City of Brewer and Franklin G. Hinkley, Jr. Pertaining to Land at 396 North Main Street (Tax Map 34 Lot 84) and to Change a Portion of Medium Density Residential -1 (MDR-1) Zoning District to Convenience Business (CB) Zoning District for the Entire Properties Located on North Main Street, Gilmore Street, and Riverview Terrace Identified as Tax Map 34 Lots 82, 83, 84, 85, 86, 87 and 103. (Councilor Uhlenhake)

H. New Items with Leave of Council.

I. ADJOURN.

A. Minutes of December 12, 2017 Regular Meeting

ACTION: Councilor O’Connell moved that the minutes be accepted and placed on file. The motion was seconded and passed with unanimous vote.

B. Awards, Petitions and Public Comments.

2018-B001

January 23, 2018

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR ALLISON JOSEPH BRIGGS

Filed October 25, 2017
By Jerry Goss &
Joseph L. Ferris

WHEREAS, on the 20th day of October, 2017, death brought to a close the full and active life of Allison Joseph Briggs of Brewer; and

WHEREAS, Allison was a graduate of Mattanawcook Academy and served his country in the US Navy before continuing his education at the University of Maine, graduating with a degree in Civil Engineering; and

WHEREAS, Allison was President of Briggs Inc., a company that he helped start and run with his family; and

City Council Minutes

January 23, 2018

WHEREAS, Allison served his community in numerous ways including Horeb Lodge, United Community Service, the board of directors of the YMCA, president of the Brewer Kiwanis, past president of the Bangor Chamber of Commerce, service to United Cerebral Palsy of New England, and All Souls Congregational Church; and

WHEREAS, Allison was a devoted family man whose most cherished moments were traveling, tennis and bridge with his beloved wife, golf and fishing with his sons, and watching his grandchildren and great grand-children excel and triumph at their numerous activities;

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Allison Joseph Briggs to the well-being and development of the community in which he lived and earned the deep respect of all who knew him; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Allison Joseph Briggs by the citizens and officials of the City of Brewer, Maine.

ACTION: Chairman Uhlenhake moved that the resolve be adopted. The motion was seconded.

Chairman Goss read the resolve into the record and presented the resolution to Mr. Gary Briggs and family.

Chairman Goss stated that growing up in Brewer, Allison Briggs is a name that he remembers, that he was a significant part of his childhood, that it is important for the Council and the City to remember the service and recognize the quality people that are the fabric of the City of Brewer.

Councilor O'Connell stated that even though he did not know Gary's Dad, he knows that children are a reflection of their parents and it is evident that his Father must have been a heck of a nice guy because of the children he left behind.

Councilor Ferris reminisced about a tennis match he had once with Allison Briggs and his wife Louise in which he had a wonderful time but also was very impressed with the contribution Allison made to his community.

Councilor Uhlenhake noted that as a resident of Allison Park she would like to reiterate what a great business person Allison was, having the forethought to make sure his city was always moving forward, not only his city but even across the river where he was also successful.

The resolve was adopted by unanimous vote.

2018-B002

January 23, 2018

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR
CARLYLE BUTTERFIELD "CARL" COUTTS

City Council Minutes
January 23, 2018

Filed December 7, 2017
By Beverly Uhlenhake

WHEREAS, on the 14th day of November, 2017, death brought to a close the full and active life of Carlyle Butterfield "Carl" Coutts of Brewer; and

WHEREAS, Carl was a graduate of Edward Little High School, Class of 1947; and

WHEREAS, upon graduation Carl entered the beverage business with Naraganseet Brewing Company before retiring from Pepsi-Cola/Haffenreffer Beverage Co. Inc. in Brewer; and

WHEREAS, Carl was a founding owner of the local Country Music Radio Station, Q106.5 in Brewer; and

WHEREAS, Carl was an active community member, giving back by supporting local hospitals, civic and charitable organizations along with UMaine Athletics. Carl was a member of the Tranquil Lodge #29 A.F. & A.M. of Auburn, Scottish Rite Bodies Valley of Bangor and Anah Temple of Bangor;

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Carl to the well-being and development of the community in which he lived and earned the deep respect of all who knew him; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of his family in testimony to the high esteem held for Carlyle Butterfield Coutts by the citizens and officials of the City of Brewer.

ACTION: Councilor Uhlenhake moved that the resolve be adopted. The motion was seconded.

Councilor Uhlenhake read the resolve into the record.

Councilor O'Connell noted that he worked with Mr. Coutts at Pepsi here in Brewer and every time Mr. Coutts came down through the warehouse, he took the time to talk to everybody, that he was a gentleman, a perfect gentleman and Council O'Connell thought the world of him.

The resolve was adopted by unanimous vote.

2018-B003

January 23, 2018

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR
PATRICIA E. GERO

Filed December 15, 2017
By Kevin J.M. O'Connell

City Council Minutes

January 23, 2018

WHEREAS, on the 30th day of November, 2017, death brought to a close the full and engaged life of Patricia E. Gero of Orrington; and

WHEREAS, Pat was a graduate of Scotia-Glenville High School and SUNY Cobleskill class of 1961 prior to her marriage to Chuck and subsequent move to Maine; and

WHEREAS, Pat held positions at Bass Park and the Greater Bangor Chamber of Commerce before joining her City of Brewer family in 1987 where she remained until her retirement in 2012; and

WHEREAS, Pat served as Executive Administrative Assistant to three City Managers, and was known for her unwavering loyalty, trust, legendary Irish wit and impeccable taste and style; and

WHEREAS, she remained active in her community in a variety of capacities and earned the deep respect of all who knew her;

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Pat to the well-being and development of the City of Brewer; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of her family in testimony to the high esteem held for Patricia Loughlin Gero by the citizens and officials of the City of Brewer.

ACTION: Councilor O'Connell moved that the resolve be adopted. The motion was seconded.

Councilor O'Connell read the resolve into the record.

City Manager Stephen Bost stated that Pat and he worked together for 13 years in the City Manager's office. She had already been in the office for the previous two City Managers and by the time he arrived she was already an institution of the City of Brewer. He described Pat as smart, dedicated, protective, and an amazing gate keeper for the City, stating she is already missed and we were lucky to have her.

City Solicitor Joel Dearborn addressed the Council stating that Pat was a huge part of his professional life here at City Hall and he had always felt welcomed and at ease when she gave you her infectious smile. He stated that Pat was a real gem of City Hall.

Councilor O'Connell remembered that when he first started with City Hall Pat always extended so much patience and kindness towards him and guided him through the process. He referred to her as the "Madam" of City Hall and had great respect for her and thought the world of her.

Chairman Goss described Pat as the ultimate professional who always greeted you with a smile, someone who set the bar at the very top.

The resolve was adopted by unanimous vote.

City Council Minutes
January 23, 2018

2018-B004

January 23, 2018

TITLE: RESOLVE, RESOLUTION OF RESPECT FOR
MARYLEE WOOD ROGERS

Filed January 3, 2018
By Joseph L. Ferris

WHEREAS, on the 20th day of December, 2017, death brought to a close the full and active life of Marylee Wood Rogers of Brewer; and

WHEREAS, Marylee was a graduate of Oak Grove School for Girls in North Berwick, Class of 1950 and attended the New England Conservatory of Music in Boston; and

WHEREAS, Marylee's passion for music and culture led her to New York, where she spent several years as a professional singer; and

WHEREAS, Marylee's love of our state brought her back to Maine where she met her husband Will of 56 years, and formed an active life of community service as a member of Friends of Maine Hockey, the Bangor Junior League and Chair of the Penobscot County Women Republicans; and

NOW THEREFORE BE IT RESOLVED, that the Brewer City Council does by this resolution and public pronouncement, recognize the positive influence of Marylee Wood Rogers to the well-being and development of the community in which she lived and earned the deep respect of all who knew her; and

FURTHER, RESOLVED, that this resolution be spread upon the permanent records of the City of Brewer and that copies thereof be distributed to members of her family in testimony to the high esteem held for Marylee Wood Rogers by the citizens and officials of the City of Brewer.

ACTION: Councilor Ferris moved that the resolve be adopted. The motion was seconded.

Councilor Ferris read the resolve into the record and presented the resolution to her husband Will Rogers and family, expressing his condolences and recognizing that the two of them together were quite a team.

Will expressed it has been a long journey and thanks the Council and the City for the recognition.

The resolve was adopted by unanimous vote.

Presentation of the FY2017 Audit Report

PUBLIC COMMENTS

City Council Minutes
January 23, 2018

There were no public comments.

IV. Recess for Public Hearings

Chairman Goss stated that the City Council would recess for a public hearing and after the public hearing the Council would return to the regular meeting to take up the rest of the items on the agenda.

The public hearing was called to order by Chairman Goss.

The City Clerk called the roll:

Councilor Vachon-present

Councilor O'Connell-present

Councilor Uhlenhake-present

Councilor Ferris-present

Chairman Goss-present

Chairman Goss declared all members were present.

Chairman Goss read the public notice.

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, the 23rd day of January, 2018 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider the applications of:

1. Delano G. Merritt, d/b/a Cap's Tavern, 494 ½ South Main Street, Brewer, Maine for a State of Maine Class A Lounge, Class X (malt, spirituous and vinous) liquor license.

This application is available for public inspection at the office of the **Brewer City Clerk (989-7050)** and this notice is posted on the bulletin board at Brewer City Hall.

Any person may attend this public hearing and speak on this application. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412.

Ronda J. Hogan
City Clerk

published January 9, 10 and 11th
in the Bangor Daily News

Chairman Goss asked if there were any public comments in regard to this application. There were none.

Chairman Goss inquired if we had received any written comments in regard to this application. The

City Council Minutes
January 23, 2018

City Clerk stated that there were no written comments received.

Chairman Goss confirmed with the City Clerk that the inspections were completed and in order for this application. The City Clerk confirmed that they were.

Councilor Uhlenhake moved that the inspections/files be accepted and placed on file. The motion was seconded and accepted unanimously.

Chairman Goss read the second public hearing notice.

**CITY OF BREWER
PUBLIC NOTICE**

Notice is hereby given that the Brewer City Council will hold a public hearing on Tuesday, the 23rd day of January, 2018 at 6:00 p.m. in the Council Chambers at Brewer City Hall to consider the applications of:

1. Las Palapas II Mexican Restaurant, LLC, d/b/a Las Palapas II Mexican Restaurant, 557 Wilson Street, Brewer, Maine for a State of Maine Restaurant (Class I, II, III, IV - malt, spirituous and vinous) liquor license.

This application is available for public inspection at the office of the **Brewer City Clerk** (989-7050) and this notice is posted on the bulletin board at Brewer City Hall.

Any person may attend this public hearing and speak on this application. Written comments may also be submitted. The deadline for submission of written comments is 4:00 p.m. on the date of the hearing. Written comments should be addressed to Brewer City Council, c/o City Clerk, 80 No. Main Street, Brewer, Maine 04412.

Ronda J. Hogan
City Clerk

published January 16, 17 and 18th
in the Bangor Daily News

Chairman Goss asked if there were any public comments relating to this application. There were no public comments.

Chairman Goss asked the City Clerk if any written comments had been received for the public hearing. The City Clerk did not receive any written comments pertaining to the public hearing.

Chairman Goss asked the City Clerk if all the inspections by City departments had been completed. The City Clerk stated that Las Palapas II had just received their lease and plan to open in April so they have not completed their renovations as of this date, but the departments have no issues with the building as of now.

Councilor Ferris moved that the inspections/files be accepted and placed on file. The motion was seconded and accepted unanimously.

City Council Minutes
January 23, 2018

Chairman Goss closed the public hearing.

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

Chairman Goss said the regular meeting would resume at this time.

ACTION: Councilor Ferris removed order 2018-A010 from the consent calendar.

Councilor Vachon moved that the remaining orders on the consent calendar have passage. The motion was seconded and passed unanimously.

2018-A001

January 23, 2018

TITLE: ORDER, ACCEPT CASTINE LANE AND DEDICATE IT AS A PUBLIC WAY

Filed January 19, 2018
By Matthew Vachon

WHEREAS, the time period within which undeveloped streets in recorded subdivisions could be constructed and accepted as a public street can be extended pursuant to Title 23 M.R.S.A. § 3032; and

WHEREAS, the Brewer City Council extended the time period to consider the acceptance of certain undeveloped paper streets in subdivisions by City Council Order A0997-14 (passed on September 1997 and recorded in the Penobscot County Registry of Deeds as book 6497, page 351) and subsequently by City Council Order 2017-A143 (passed on September 12, 2017 and recorded in said registry as book 14614, page 211), in accordance with Title 23 M.R.S.A. § 3032; and

WHEREAS, both said City Council Orders along with City Council Order 2016-A117 (passed on July 12, 2016 and recorded in said registry as book 14232, page 18 which specifically extends the time period to consider the acceptance of the paper streets in Phase II of the Riverview Heights Subdivision) all include that portion of Castine Lane, so-called, located between Lots 77 and 78 as shown on the plan entitled “Final Subdivision Plan – Phase II, Riverview Heights, Brewer, Maine”, prepared by Ames Engineers and recorded in said registry in map file D116-89 and considered a “paper street”; and

WHEREAS, the Brewer City Council appointed Cross Realty, LLC as general contractor to construct said “paper street” portion of Castine Lane by City Council Order 2016-A204 and passed on December 13, 2016; and

WHEREAS; Cross Realty, LLC has constructed a new street in the location of a former Castine Lane “paper street” intersecting the southerly side of Camden Court and continuing on land owned by Cross Realty, LLC; and

WHEREAS; Cross Realty, LLC has requested that this street be accepted as a public way; and

City Council Minutes
January 23, 2018

WHEREAS, Cross Realty, LLC, through its agent CES Inc., has provided the required certifications, inspection reports, as-built plans and Deed pursuant to section 712 of the Brewer Land Use Code; and

WHEREAS, Cross Realty, LLC has provided an acceptable Bond to cover punch list items for the project in the amount of \$11,000 pursuant to section 714 of the Land Use Code; and

WHEREAS, The City Engineer has reviewed and approved all certifications, inspection reports, the punch list and the cost estimate for work to be completed in the spring of 2018; and

WHEREAS, The Water and Sewer Departments have independently inspected the new water and sewer lines and determined them to be suitable and ready for acceptance by the City; and

WHEREAS, the City Engineer, the City Planner and the City Manager have provided their recommendations that the street be accepted as required by section 712.1.2 of the Land Use Code with the provision that the said punch list of items is completed in the spring of 2018; and

WHEREAS, all the provisions and required documents have been filed with the City pursuant to Title 23, M.R.S.A., Section 3025;

NOW, THEREFORE, BE IT ORDERED THAT, the Brewer City Council herewith accepts the Quitclaim Deed with Covenant conveying fee simple title to Cross Realty, LLC for Castine Lane dated January 2018 and dedicates the property described therein and depicted on the plan attached to said deed as a Public Street pursuant to the City of Brewer Charter, Codes and Ordinances and State of Maine Statutes, and

BE IT FURTHER ORDERED THAT, the City Clerk shall record said Deed at the Penobscot County Registry of Deeds.

Statement of Fact

This order accepts and dedicates Castine Lane as a Public Way.

2018-A002

January 23, 2018

TITLE: ORDER, AUTHORIZE THE PURCHASE OF PARTS TO REPAIR
GRAVITY THICKENER #2 AT THE BREWER WATER
POLLUTION CONTROL FACILITY.

Filed January 16, 2018
By Kevin O'Connell

WHEREAS, the Gravity Thickener #2, was installed with the original treatment plant that went on-line in 1975, and

WHEREAS, the Gravity Thickener #2 sludge scraper system drive unit has failed due to being past its useful life expectancy, and

City Council Minutes

January 23, 2018

WHEREAS, Gravity Thickener #2 has been out of service three weeks, and

WHEREAS, the Gravity Thickener is very important to the overall successful operation of the Water Pollution Control Facility, and

WHEREAS, no bids were solicited, as Evoqua Water Technology is the only vendor to purchase the parts to rebuild the drive unit, therefore this is a sole source purchase, and

NOW, THEREFORE BE IT ORDERED, that the City Council herewith exercise its authority under Chapter 36, Section 404 of the Charter, Codes and Ordinances of the City of Brewer in the purchase of replacement parts for the Water Pollution Control Facility, and

BE IT FURTHER ORDERED, that the City Manager or his designee, is authorized to sign a purchase order to Evoqua Water Technology in the amount of \$14,029.00 for the purchase of parts to rebuild the Gravity Thickener scraper system drive unit, and

BE IT FURTHER ORDERED, that the cost of this purchase shall be charged to account number 0817702-503200, Reserve Machinery and Equipment.

Statement of Facts

The drive unit on Gravity Thickener #2 is part of the original treatment plant, now 43 years old. This is the first major repair project done on this drive unit which is well past its useful life expectancy.

2018-A003

January 23, 2018

TITLE: ORDER, ACCEPT FUNDS FROM INSURANCE PROCEEDS TO REPAIR BUILDING.

Filed January 16, 2018

By Beverly Uhlenhake

WHEREAS, in 2015 metal siding at the Brewer Public Safety Building was damaged accidentally by a motor vehicle; and

WHEREAS; the driver's insurance company paid the City \$8,166.42 to cover repairs; and

WHEREAS; the repairs are now complete and the actual costs were \$2,881.00;

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, Maine, by vote of its City Council, does herewith accept the \$8,166.42 in insurance proceeds paid to the City to cover building repairs;

AND, FURTHER ORDERED, that \$2,188 of the funds deposited into account 0200000-320003-62001 (Insurance Reserve - Claim Specific Proceeds) be authorized for appropriation and expenditure from account 0115820 504000 (Public Safety Building Maintenance and Repair) to pay for siding repairs related to the accident and the remaining \$5,295.42 be authorized for appropriation and expenditure from CIP account 0510122-551229 (Public Safety Building Improvements) to fund future improvements to the building.

City Council Minutes
January 23, 2018

Statement of Fact

A private vehicle accidentally damaged the siding on the Brewer Public Safety Building. The driver's insurance company paid the City \$8,166.42 to cover repairs. The total repair cost \$2,881.00, leaving a surplus of \$5,295.42. The remaining funds will be moved to the Capital Improvement Program fund and used to pay for other needed repairs at the Public Safety Building.

2018-A004

January 23, 2018

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

Filed January 16, 2018

By Joseph L. Ferris

WHEREAS, the Brewer Public Library has received contributions totaling \$310.00 from Jesup Memorial Library, Sharon J. Kobritz, and Jacqueline E. Pinkham, to supplement and support the purchase of new books for the City of Brewer Public Library; and

WHEREAS, it is the recommendation and request of the Library Director that these donations be appropriated and expended as requested by the donors;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts these contributions totaling \$310.00 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 to support the purchase of new books.

2018-A005

January 23, 2018

TITLE: ORDER, ACCEPT DONATION OF ORIGINAL PAINTING TO THE BREWER PUBLIC LIBRARY.

Filed January 16, 2018

By Jerry Goss

WHEREAS, the City of Brewer Public Library received a donation from Mrs. Ellen Hayes of an original painting by her late husband, Mr. William Hayes; and

WHEREAS, Mr. and Mrs. Hayes have faithfully supported the Brewer Public Library for many years in various capacities; and

City Council Minutes
January 23, 2018

WHEREAS, it is the recommendation and request of the Library Director that this painting be displayed in the Library in memory of Mr. Hayes, as requested by the donor;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts the donation of this painting from Ellen Hayes; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the Library Director to display the painting within the library.

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 the donation of an original painting by William Hayes, given in his memory by Ellen Hayes to the City of Brewer Public Library, and authorizes the display of this item.

Painting Donated by William and Ellen Hayes

Painted by Bill Hayes



City Council Minutes
January 23, 2018

2018-A006

January 23, 2018

TITLE: ORDER, ACCEPT DONATIONS TO BREWER PROGRAMS FROM
DUSTY AND ELLEN FISHER

Filed December 11, 2017
By Matthew Vachon

WHEREAS, the City has received from Dusty and Ellen Fisher donations of \$100 to each of the Library, Parks and Recreation, Fire, and Police Departments to support youth programs;

NOW, THEREFORE, BE IT ORDERED, that the City Council hereby accepts these funds and authorizes their receipt to and appropriation and expenditure from the following accounts in support of youth education and recreation programs:

	<u>Dept</u>	<u>Receipt To</u>	<u>Expend From</u>
\$100	Library	0107204-300420	0117201-502200
\$100	Rec	0107123-300324	0117121-506100
\$100	Police	0105804-300490	0115801-501550
\$100	Fire	0105904-300490	0115921-502900

FURTHER ORDERED, that the Council thanks the Fishers for their generous donations in support of youth programs in Brewer and directs the Clerk to send a letter of appreciation to the Fishers for their contribution to the City.

2018-A007

January 23, 2018

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PUBLIC
LIBRARY FROM THE LAWRENCE FAMILY.

Filed January 16, 2018
By Kevin O'Connell

WHEREAS, the Brewer Public Library has received a contribution of \$2,500.00 in memory of Bettie Ann Lawrence, from the Estate of Robert T. Lawrence, to supplement and support the budget at the City of Brewer Public Library; and

WHEREAS, Mrs. Lawrence was an avid reader and loyal patron of the Brewer Public Library, and Mr. Lawrence faithfully gave generous Christmas donations to the Library each year after Mrs. Lawrence's death in her memory; and

WHEREAS, Mr. Lawrence has now passed away, and it is the wish of his estate's personal representative that these monies be accepted and spent to best support the Library and its mission;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$2,500.00 and authorizes its deposit into account 0600072-300420-72024 (In Memoriam Bettie Ann Lawrence - Private Donations Revenue) and expenditure from account 0600072-560050-72024 (In

City Council Minutes
January 23, 2018

Memoriam Bettie Ann Lawrence – Miscellaneous/Other Expenses).

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 a contribution in memoriam of Bettie Ann Lawrence to the City of Brewer Public Library, and authorizes the expenditure of this contribution to support the Library budget.

2018-A008

January 23, 2018

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PUBLIC
LIBRARY FOR SPECIAL EVENTS.

Filed January 16, 2018
By Beverly Uhlenhake

WHEREAS, the Brewer Public Library has received a contribution of \$100.00 from Gloria S. Faulkner to supplement and support the programming budget at the City of Brewer Public Library; and

WHEREAS, it is the recommendation and request of the Library Director that this donation be appropriated and expended as requested by the donor;

NOW, THEREFORE, BE IT ORDERED, that the City Council accepts this contribution totaling \$100.00 and authorizes its deposit into account 0107204-300420 (Library Contributions/Donations) and expenditure from account 0117201-506150 (Library Special Events).

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 a contribution to the City of Brewer Public Library, and authorizes the expenditure of this contribution to support programming at the Library.

2018-A009

January 23, 2018

TITLE: ORDER, ACCEPT DONATION TO THE BREWER PARKS
AND RECREATION DEPARTMENT FOR THE SPRING
PROGRAM LEAGUE

Filed December 8, 2017
By Joseph Ferris

WHEREAS, the Brewer Parks & Recreation Department has received a donation of \$100.00 from Jason A. Harkins for support of the Spring Program League; and

WHEREAS, it is the recommendation and request of the Parks & Recreation Director and the donor that this donation be appropriated and expended to supplement the Spring Program League;

City Council Minutes
January 23, 2018

NOW, THEREFORE, BE IT ORDERED, that the City of Brewer, by vote of its City Council herewith accepts this donation and directs that the donation be receipted to account 0107123-300326; and

FURTHER ORDERED, that the City Council herewith authorizes the appropriation and expenditure of this money from account 0117121-506110 (Spring/Program League).

NOTE: The Brewer Parks and Recreation Director sends a letter of acknowledgement and appreciation on behalf of the City Council to these businesses for their generous donations.

Statement of Fact

This order accepts a contribution to the City of Brewer Parks & Recreation Department, and authorizes the expenditure of this contribution to support the Spring Program League.

2018-A010

January 23, 2018

TITLE: ORDER, TO ADOPT A CAPITAL IMPROVEMENTS PROGRAM FOR
 THE WILSON STREET AREA CAPITAL IMPROVEMENT
 DISTRICT AND ESTABLISH FORMULAS FOR
 CALCULATING ASSOCIATED IMPACT FEES

Filed January 18, 2018
By Matthew Vachon

WHEREAS, the City of Brewer has adopted an ordinance on the assessment of impact fees and has established an Area Capital Improvement District along the outer Wilson Street corridor for these purposes; and

WHEREAS, state law requires the projects and fees of the District be periodically reviewed and updated; and

WHEREAS, City staff have reviewed and updated the list of capital improvements necessary to support growth in the District and their associated costs; and

WHEREAS, these costs and the proportion that can reasonably be attributed to growth in the District have been projected using recognized and generally accept standards and with expert technical assistance;

NOW THEREFORE BE IT ORDERED, that the Brewer City Council herewith approves the following list of capital improvements and associated assessment formulas for new and proposed development in the Wilson Street Area Capital Improvement District:

Municipal Cost	Impact Fee Assessment
Dirigo Drive	\$90.42 per peak hour trip on adjacent road
City Transit Buses	\$142.86 per peak hour trip on adjacent road
Signal Coordination	\$90.42 per peak hour trip on adjacent road

City Council Minutes
January 23, 2018

Sewer - Pierce Road Pump Station	\$2.73 per daily gallon
Zone Setup & Administration	\$0.065 per square foot

Statement of Fact

This order re-authorizes the City's impact fee formula as required by state law. The revised formula closely matches the prior formula, but is expected to generate less revenue going forward since much of the build out within the impact fee district has already taken place.

ACTION: Councilor Vachon moved that order 2018-A010 have passage. The motion was seconded.

Karen Fussell, City Finance Director, explained that this order relates to the impact fee formula and that the fee would be decreasing very slightly.

The motion passed unanimously.

D. Monthly Reports.

ACTION: Councilor O'Connell 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.

No items

F. Unfinished Business.

No items

G. New Business.

2018-C001

January 23, 2018

ORDER AMEND CHAPTER 24, ENTITLED "LAND USE CODE" OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, ARTICLE 4, PERFORMANCE STANDARDS, SECTION 424 PARKING AND LOADING, SUBSECTION 424.2 GENERAL PARKING REQUIREMENTS.

Filed January 16, 2018
By Kevin O'Connell

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" shall be amended by adding the following subsection to Article 4:

ARTICLE 4 PERFORMANCE STANDARDS

City Council Minutes
January 23, 2018

410 PARKING AND LOADING, SECTION 424.2 GENERAL PARKING REQUIREMENTS

- 5a.** The Code Enforcement Officer may reduce the side and rear parking setback requirements in the Convenience Business, Office Residential, and Downtown Development Districts for commercial uses utilizing existing buildings. In no case shall the side and rear parking setbacks be less than one (1) foot. In determining the appropriate side and rear parking setbacks, the Code Enforcement Officer shall consider specific on-site conditions and shall have the owner/applicant sign an agreement indicating that 1) the parking spaces are located on their property, 2) snow plowing and/or snow piles will be kept on their property unless agreed to with abutter, 3) any changes to stormwater flows meet ordinances regulations, and 4) they will comply with any additional conditions or restrictions imposed by the Code Enforcement Officer.

STATEMENT OF FACT

This ordinance amendment is proposed in order to allow the Brewer Code Officer to reduce the side and rear parking setback in the CB, OR, and DD zoning districts under specific circumstances.

The Planning Board held a public hearing on January 8, 2018 and unanimously made the recommendation to adopt these amendments.

ACTION: Councilor O’Connell moved that the proposed ordinance amendment be certified and filed with the City Clerk for posting.

The motion was seconded and passed by unanimous vote.

2018-C002

January 23, 2018

ORDER **TITLE:** **AMEND CHAPTER 24, ENTITLED “LAND USE CODE” OF THE CITY OF BREWER CHARTER, CODES AND ORDINANCES, TO NULLIFY AN EXISTING CONTRACT ZONE AGREEMENT BETWEEN THE CITY OF BREWER AND FRANKLIN G. HINKLEY, JR. PERTAINING TO LAND AT 396 NORTH MAIN STREET (TAX MAP 34 LOT 84) AND TO CHANGE A PORTION OF MEDIUM DENSITY RESIDENTIAL -1 (MDR-1) ZONING DISTRICT TO CONVENIENCE BUSINESS (CB) ZONING DISTRICT FOR THE ENTIRE PROPERTIES LOCATED ON NORTH MAIN STREET AND GILMORE STREET, AND RIVERVIEW TERRACE IDENTIFIED AS TAX MAP 34 LOTS 82, 83 AND 84, 85, 86, 87, AND 103.**

Filed January 16, 2018
By Beverly Uhlenhake

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” be amended to nullify an existing contract zone agreement between The City of Brewer and Franklin G. Hinkley, Jr. pertaining to land at 396 North Main Street (Tax Map 34 Lot 84) and to change a portion of Medium

City Council Minutes

January 23, 2018

Density Residential -1 (MDR-1) zoning district to Convenience Business (CB) zoning district for the entire properties located on North Main Street and Gilmore Street, ~~and Riverview Terrace~~ identified as Tax Map 34 Lots 82, 83 and 84, ~~85, 86, 87, and 103~~ with the zone line to follow the centerline of the road right-of-way as appropriate.

STATEMENT OF FACT

This Order eliminates the existing contract zone agreement for Tax Map 34 Lot 84 and rezones Tax Map 34 Lots 83 and 84 into the CB district.

The original proposed zoning amendment, which went to the Planning Board and public hearing, included the elimination of the existing contract zone agreement and changing the zoning of Tax Map 34 Lots 82, 83, 84, 85, 86, 87, and 103 to CB. This ordinance zoning amendment was proposed in order to eliminate the existing contract zone agreement for the existing convenience store/gas station lot and make it an allowed use in the zoning district, to make the four existing 2- and multi-family residential buildings conforming uses in the district, and to allow commercial uses at the vacant old Decker garage.

The Planning Board held a public hearing on January 8, 2018 and made the recommendation, at a vote of 5-2, to nullify the existing contract zone agreement and to change the zone line so that the parcel located at 396 North Main Street (tax map 34 lot 84) is entirely within the Convenience Business (CB) district.

ACTION: Councilor Uhlenhake moved that the proposed ordinance amendment be certified and filed with the City Clerk for posting. The motion was seconded.

Councilor Uhlenhake moved to amend the proposed ordinance amendment with the revised amendment that the Council had been provided.

Linda Johns, City Planner, explained the changes to the proposed ordinance amendment.

D'arcy Main-Boyington, Economic Development Director, explained why the City Departments want to make the changes proposed.

Ed Avery of Chapman Street, Brewer, expressed concern about what he had heard at the Planning Board meeting vs what he is hearing tonight.

Andrew Hamilton, attorney at Eaton Peabody, counsel for R.H. Foster expounded on what Robert Tracy of R.H. Foster has for ideas for this property.

Councilor Ferris asked if there were any written comments submitted to the City Council. The City Clerk responded that there was one written memo from Joseph Hayes, Brewer resident. Councilor Uhlenhake moved that the memo be accepted and placed on file. The motion was seconded.

The motion, to amend the proposed ordinance, was seconded passed by unanimous vote.

City Council Minutes

January 23, 2018

The motion to certify the proposed ordinance amendment, with the amendment, and file it with the City Clerk for posting, was voted on and passed by unanimous vote.

H. New Items with Leave of Council.

No items

I. ADJOURN.

ACTION: Councilor Vachon moved that the meeting be adjourned. The motion was seconded and passed by a unanimous vote. The meeting adjourned at 7:05p.m.

ADJOURNED, ATTEST: _____ Ronda J. Hogan

City Clerk

A TRUE COPY, ATTEST: _____ Brewer, Maine